

Attachment A

Planning Proposal – 150 Day Street, Sydney

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Contents

Executive summary	4
1. Site identification	6
2. Existing planning controls	15
3. Objectives and intended outcomes	19
4. Explanation of provisions	20
5. Justification	22
6. Mapping	55
7. Community consultation	56
8. Project timeline	57
Appendix 1	58

Table of figures

Figure 1. Land affected by this Planning Proposal	6
Figure 2. Aerial photo of the site	7
Figure 3. 150 Day Street and surrounding land ownership arrangements	9
Figure 4. 150 Day Street outlined in red, looking south-west from Sussex Street towards Western Distributor on-ramp	10
Figure 5. 150 Day Street outlined in red, looking south across Western Distributor on-ramp	11
Figure 6. 150 Day Street outlined in red, looking east at Day Street frontage	11
Figure 7. 150 Day Street outlined in red, looking north at Day Street and Bathurst Street frontages	12
Figure 8. 150 Day Street outlined in red, looking north along Sands Street	12
Figure 9. 150 Day Street loading dock on Sands Street, looking west	13

Figure 10. Pedestrian route underneath Western Distributor onramp, site boundary outlined in red	13
Figure 11. Day Street road reserve, looking south	14
Figure 12. 150 Day Street outlined in red, looking west showing entrance to pedestrian route underneath onramp	14
Figure 13. Extract from zoning map in Sydney LEP 2012	15
Figure 14. Extract from Height of building map in Sydney LEP 2012	16
Figure 15. Extract from floor space ratio map in Sydney LEP 2012	17
Figure 16. Extract from heritage map in Sydney LEP 2012	18
Figure 17. Artistic representation of indicative design – northwestern perspective	22
Figure 18. Technical drawing of indicative design - western (Day Street) elevation	23
Table 1. Consistency with applicable SEPPs	29
Table 2. Consistency with Local Planning Directions	31
Figure 19. Maximum building envelope - south elevation	38
Figure 20. Maximum building envelope - east elevation	39
Figure 21. Maximum building envelope - north elevation	40
Figure 22. Maximum building envelope - west elevation	41
Figure 23. Section 5.1.1.1 compliant building envelope as illustrated by proponent	42
Figure 24. Section 5.1.1.1 compliant floor plate as illustrated by proponent	42
Figure 25. Wind tunnel test results of existing building close to site (red lines indicating points of exceedance and associated wind direction)	44
Figure 26. Wind tunnel test results of existing building further from site (red lines indicating points of exceedance and associated wind direction)	45
Figure 27. Wind tunnel test results of proposed building envelope close to site (red lines indicating points of exceedance and associated wind direction)	46
Figure 28. Wind tunnel test results of proposed building envelope further from site (red lines indicating points of exceedance and associated wind direction)	47
Figure 29. Aerial view of buildings analysed for overshadowing impact, subject site in yellow and number of stories in red	48
Table 3. Flood planning levels compliance	51

Executive summary

The City of Sydney (the City) has prepared this planning proposal for 150 Day Street, Sydney (the site), also known as the PARKROYAL Hotel Darling Harbour, in response to a request from the landowner, UOL Group Limited (UOL), for the City to prepare a planning proposal for the site.

The planning proposal will facilitate development consistent with the objectives and priorities of the Greater Sydney Region Plan, Eastern City District Plan, City Plan 2036, and the Central Sydney Planning Strategy (Strategy). This proposal seeks to increase the maximum building height and floor space ratio to support future redevelopment delivering the following key benefits:

- the delivery of 30,617 square metres of tourist and visitor accommodation floor space in Central Sydney, responding to demand, and helping to promote development, investment and business opportunities in a key precinct for commercial, cultural and entertainment activities supported by existing infrastructure;
- the adaptive reuse of existing structure, retaining significant embodied carbon and achieving environmental performance targets above and beyond City targets and controls;
- a development capable of achieving design excellence;
- protecting the existing amenity of the public domain by ensuring no additional overshadowing of Sydney Square, Town Hall Steps and future Town Hall Square, and delivering a built form producing a comfortable and safe wind environment in adjacent public places.

The site

The site is located in the southern CBD, on the boundary with the Darling Harbour precinct, and in close walking distance to Town Hall and Chinatown.

It has a total area of 2,279 square metres with street frontages to Day Street along the western boundary, Bathurst Street along the southern boundary, Sands Street along the eastern boundary, and access ramps to the Western Distributor and Cross City Tunnel along the northern boundary.

Existing development on the site consists of an 11-storey building containing tourist and visitor accommodation.

Existing development controls

The site is zoned SP5 Metropolitan Centre permitting a broad range of uses including office, retail, residential and tourist and visitor accommodation. The site has a maximum floor space ratio of 9.9:1 and a maximum building height of 45m.

The planning proposal – Sydney Local Environmental Plan 2012 controls

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

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

- increase the maximum building height from 45 metres to RL 87.7 metres (approximately 85m);
- increase the maximum floor space ratio from 9.9:1 to 13.5:1 inclusive of design excellence;
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would:
 - feature substantial retention of the existing columns, beams and slabs;
 - cause no additional overshadowing of Sydney Town Hall Steps, Sydney Square, and future Town Hall Square (in accordance with section 6.18 of Sydney LEP); and

- not be used for the purpose of residential or serviced apartments.
- continue to permit alternative development on the site using the existing LEP controls.

Draft site-specific Development Control Plan

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, sun access and wind conditions in the public domain, maximum building envelope dimensions, sustainability targets and landscaping, vehicular access, servicing and waste management, flooding and design excellence.

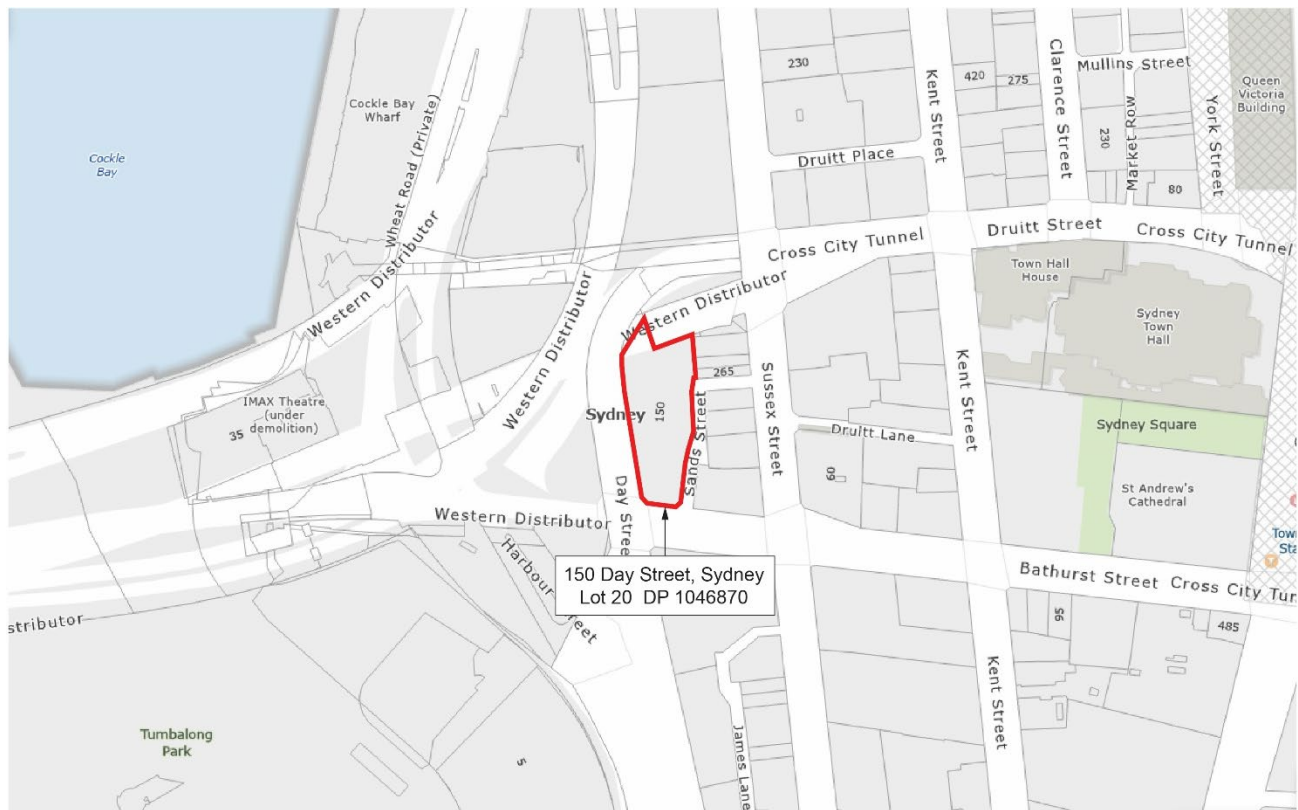
This planning proposal has been amended, new text is shown in bold underline and deleted text is shown as ~~bold strikethrough~~.

1. Site identification

1.1 Site identification

The address and lot reference affected by this planning proposal are collectively referred to as 'the site'. The site is located at 150 Day Street, Sydney and the lot reference is Lot 20 in DP 1046870. A map of the site, outlined in red, is shown in Figure 1.

Figure 1. Land affected by this Planning Proposal



1.2 Site location

The site is located in Central Sydney within the City of Sydney Local Government Area. The site has street frontages to Day Street to the west, Sands Street to the east, Bathurst Street to the south, and the Western Distributor and Cross City Tunnel to the north.

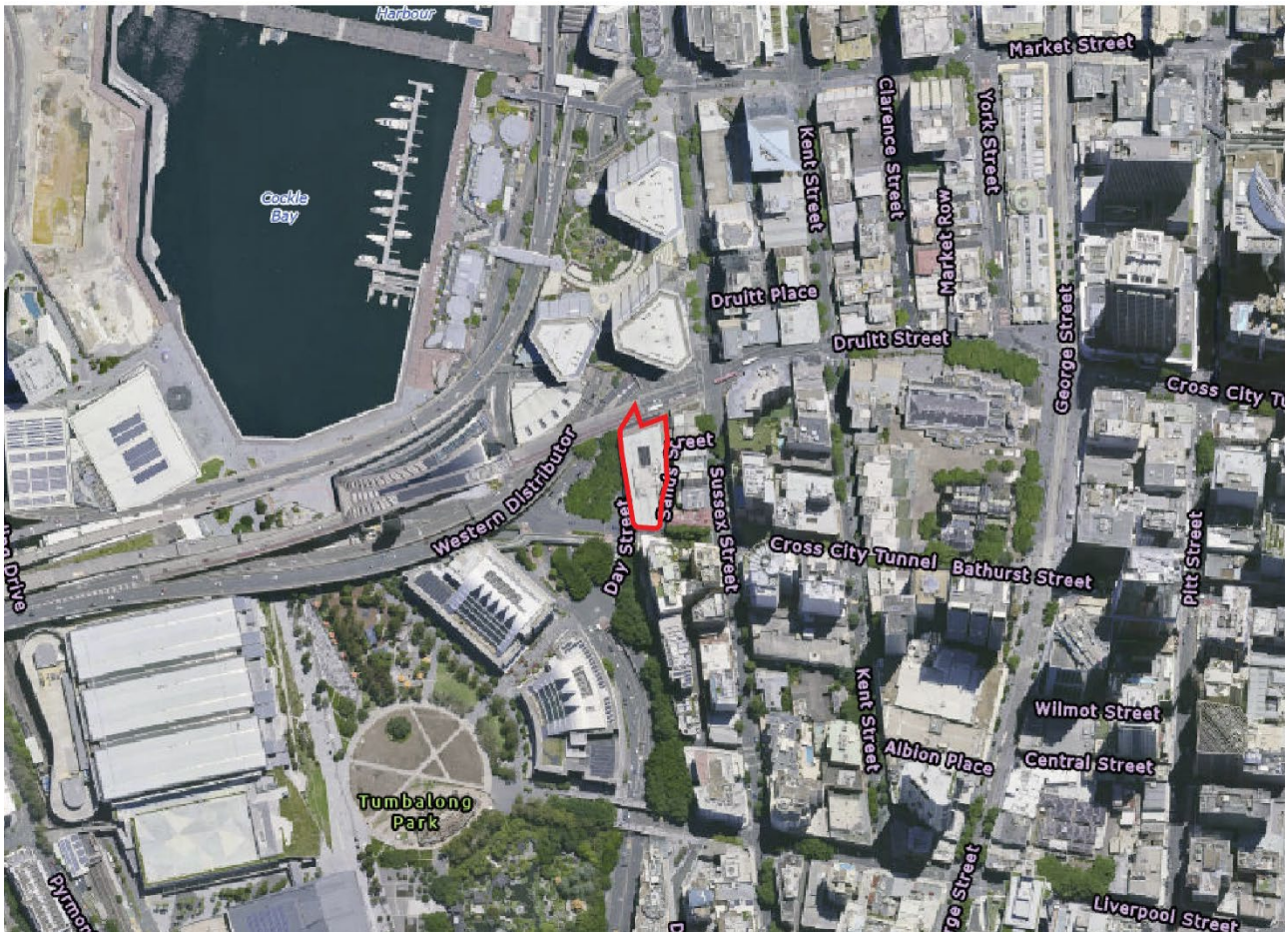
The site is located on the boundary of the Darling Harbour precinct, 300 metres east of the key tourism infrastructure of the International Convention Centre and its associated theatres, 400m south of the Sydney Aquarium and 500m south of the Maritime Museum, and 500m north of Darling Square and Dixon Street.

Key public open spaces nearby include Tumbalong Park and the Chinese Garden of Friendship located 250m to the southwest. Sydney Town Hall is located 250m to the east of the site.

The site is located approximately 300m west of Town Hall Rail Station with intercity, suburban, light rail and bus connections. To the north of site is an on-ramp to the Western Distributor and the Cross City Tunnel Harbour Street exit.

An aerial photo of the site and surrounding area is shown in Figure 2.

Figure 2. Aerial photo of the site



1.3 Site characteristics

The site comprises one allotment that has a total area of 2,279m². It has frontages of approximately 72m to Day Street, 17m to Bathurst Street, 59m to Sands Street and 59m to the underside of the Western Distributor. The common boundary with the 4 properties to the north-east spans a length of approximately 26m. The site is irregular in shape and its topography is relatively level, with a gentle fall from the south-eastern corner to the north-west.

Existing development on the site consists of an 11-storey hotel building occupied by the PARKROYAL Darling Harbour that contains 336 hotel rooms and supporting amenities, as well as a ground floor hospitality venue at the corner of Day Street and Bathurst Street. The development also contains 2 levels of basement carparking accessible from Day Street, and a loading dock accessible from Sands Street. The current hotel entrance is located on Day Street.

The original building was constructed in 1988 as a 10-storey hotel, with a concrete frame and roof. An upgrade in 1996 added a steel roof to the former concrete roof to facilitate a habitable space on the 11th storey.

Surrounding development consists of a mixture of commercial and residential development, and transport infrastructure. To the west across Day Street is a vehicle turning circle and area of trees and landscaping associated with the exit to the Cross City Tunnel. To the south across Bathurst Street is a 20-storey residential building at 289-295 Sussex Street and 158-166 Day Street, known as Millennium Towers. To the east across Sands Street are a series of buildings, both commercial and residential including:

- 281-287 Sussex Street, a heritage-listed 3-storey former warehouse known as the “Vintage Building”
- 273-279 Sussex Street, a 13-storey residential building known as “KAZ Tower”
- 267 Sussex Street, a 12-storey residential building known as “Jade Apartments”.

To the north-east directly adjoining the site are a series of one- and two-storey commercial terraces and a substation owned by Transport for NSW. To the north is an onramp connecting Druitt Street to the Western Distributor, a tunnel exit from the Cross City Tunnel intersecting with Bathurst and Harbour Streets, and a pedestrian connection underneath the Western Distributor onramp connecting Day Street with Sussex and Druitt Streets.

The site is surrounded by a complicated series of overlapping land titles associated with the Western Distributor, Cross City Tunnel and Darling Harbour precinct. Both Transport for NSW and Place Management NSW own lots to the north and east of the site. Of particular interest is the triangular shaped portion of land in the northwestern corner of the site, which represents a publicly accessible area currently part of a pedestrian route passing underneath the Western Distributor onramp. UOL Group Limited owns part of the ground floor of this area as part of the pedestrian route, with Transport for NSW owning airspace above and below associated with the Western Distributor and Cross City Tunnel respectively. These land ownership arrangements are illustrated in Figure 3.

Images of the building and its immediate context are shown in Figures 4 to 12.

Figure 3. 150 Day Street and surrounding land ownership arrangements

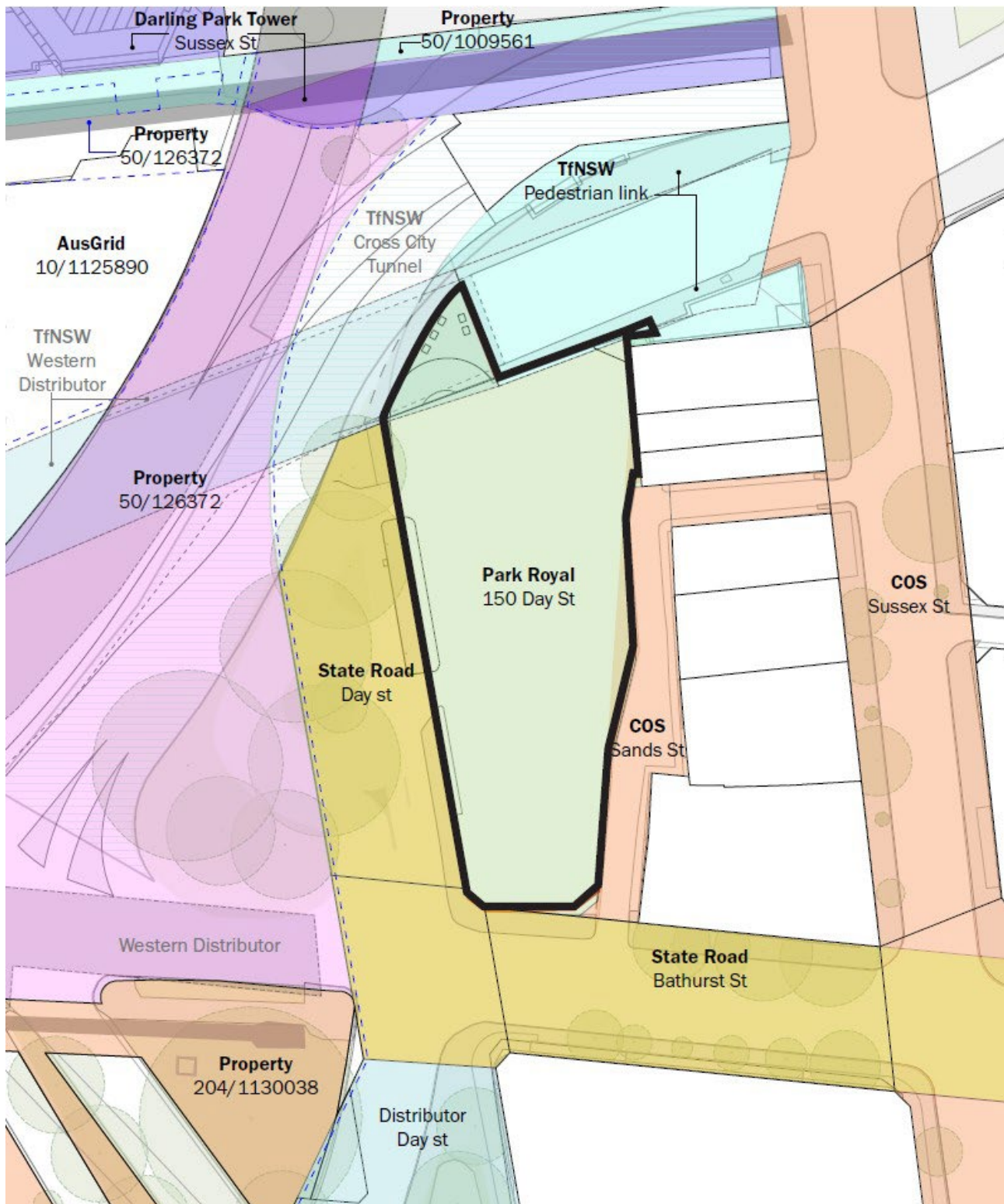


Figure 4. 150 Day Street outlined in red, looking south-west from Sussex Street towards Western Distributor on-ramp



Figure 5. 150 Day Street outlined in red, looking south across Western Distributor on-ramp



Figure 6. 150 Day Street outlined in red, looking east at Day Street frontage



Figure 7. 150 Day Street outlined in red, looking north at Day Street and Bathurst Street frontages



Figure 8. 150 Day Street outlined in red, looking north along Sands Street



Figure 9. 150 Day Street loading dock on Sands Street, looking west



Figure 10. Pedestrian route underneath Western Distributor onramp, site boundary outlined in red



Figure 11. Day Street road reserve, looking south



Figure 12. 150 Day Street outlined in red, looking west showing entrance to pedestrian route underneath onramp



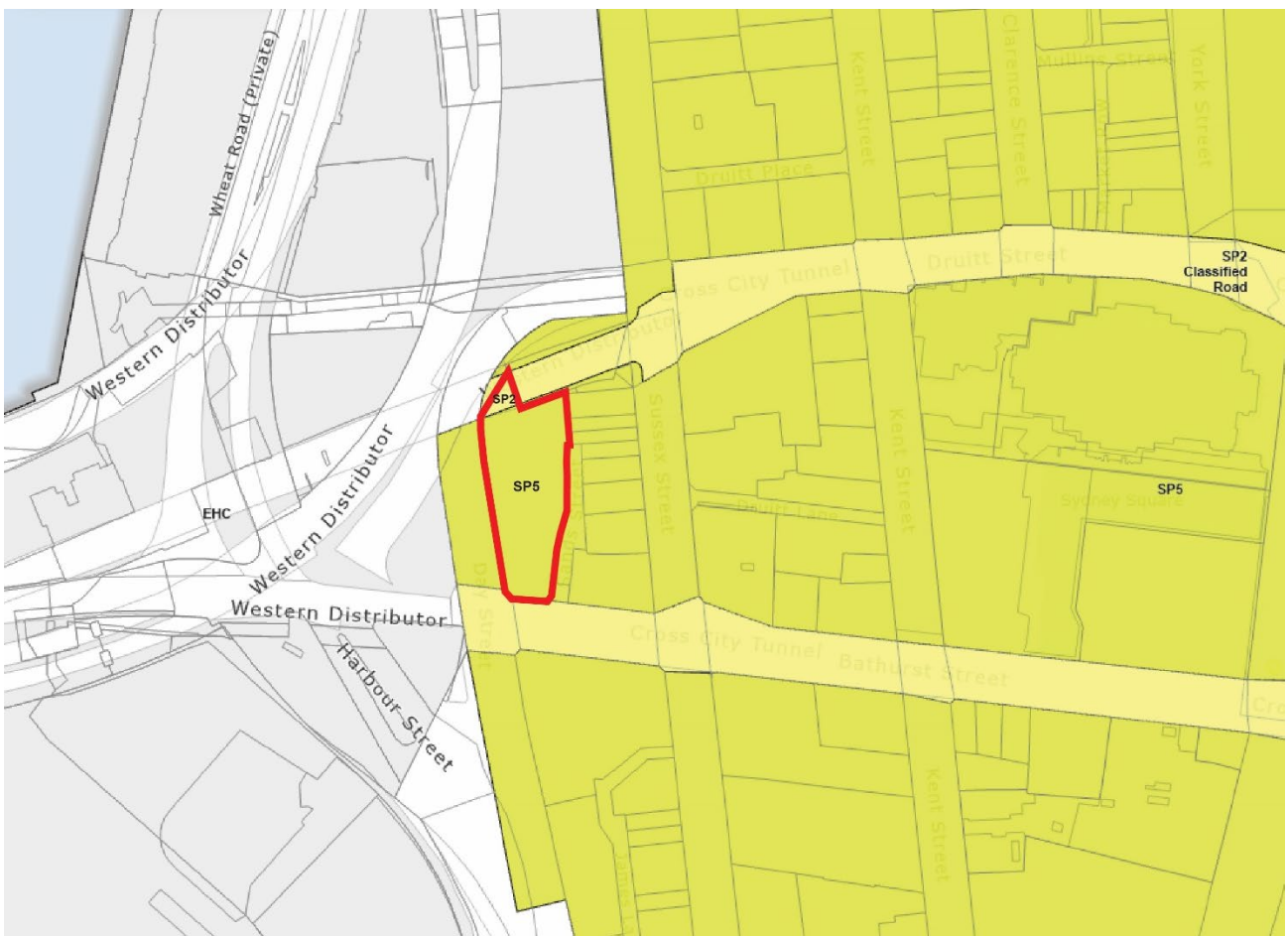
2. Existing planning controls

2.1 Zoning

The site is located within the SP5 'Metropolitan Centre' Zone. The objectives of this zone include:

- to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy
- to provide opportunities for an intensity of land uses commensurate with Sydney's global status.

Figure 13. Extract from zoning map in Sydney LEP 2012

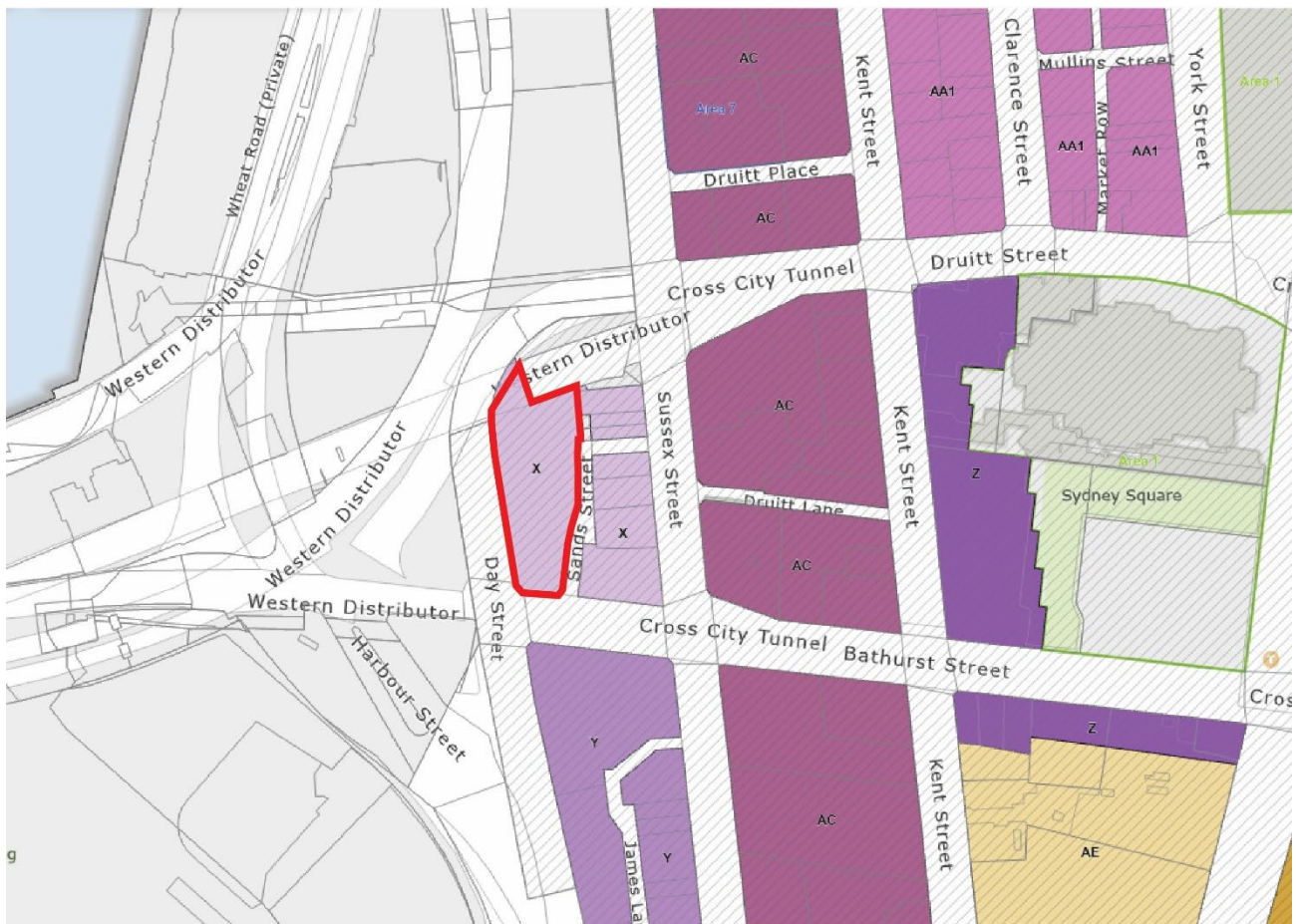


2.2 Building height

The site is subject to a maximum height of building control of 45 metres in Sydney LEP 2012, as represented by 'X' and the purple shading in Figure 14.

The site is also subject to the no additional overshadowing controls of Sydney Square, Sydney Town Hall and future Town Hall Square during the control periods, as outlined in section 6.18 of the Sydney LEP.

Figure 14. Extract from Height of building map in Sydney LEP 2012

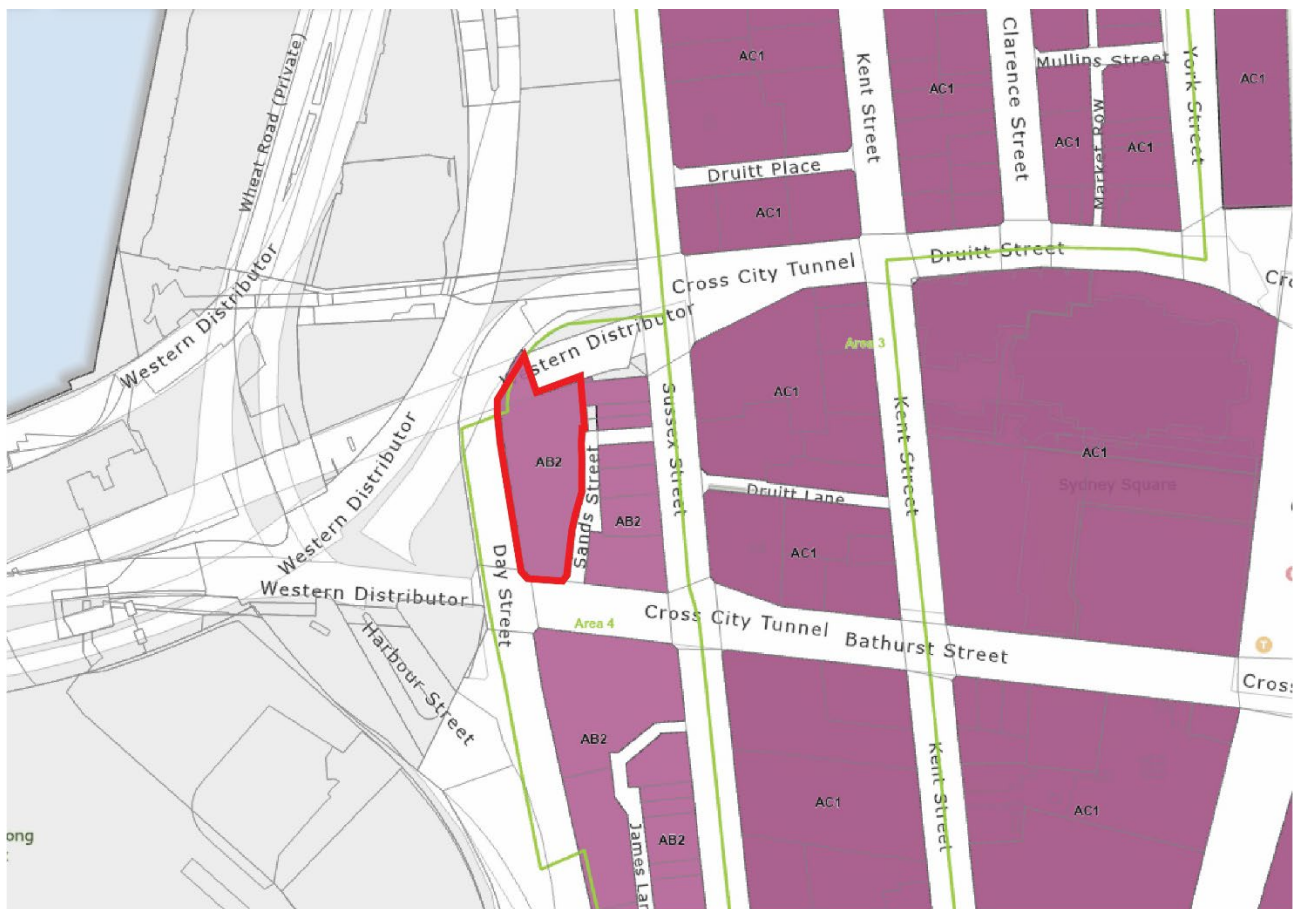


2.3 Floor space ratio

The site is subject to a maximum floor space ratio control of 7.5:1 in Sydney LEP 2012, as represented by 'AB2' and the purple shading in Figure 15. The site is located in Area 4 which, under clause 6.4 of the Sydney LEP, means the site is eligible for accommodation floor space of up to 1.5:1 for hotel or motel accommodation. In addition, the site may be eligible for an amount of additional floor space of up to 10% should a development demonstrate design excellence through a competitive design process.

The site is therefore capable of achieving a maximum FSR of 9.9:1 under current controls.

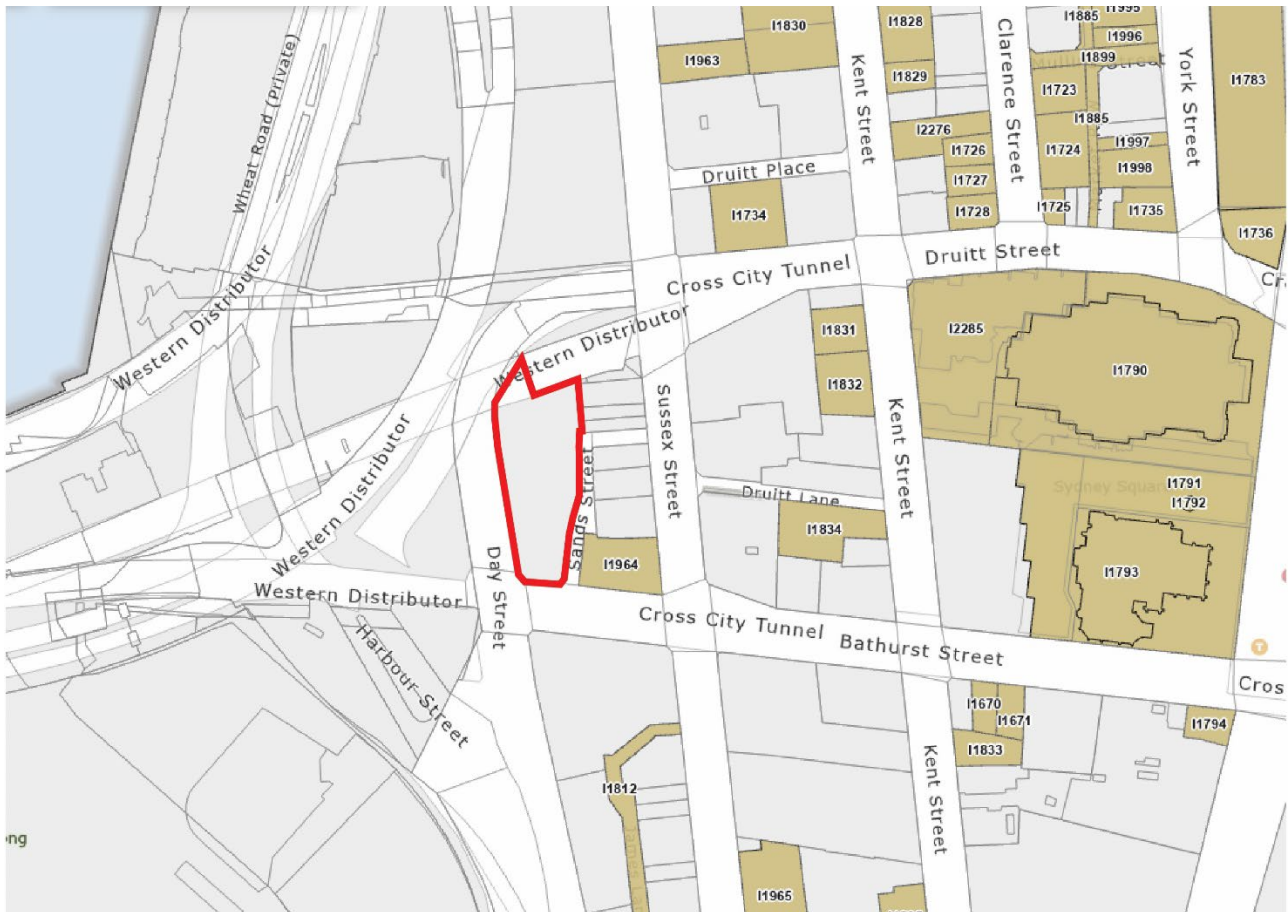
Figure 15. Extract from floor space ratio map in Sydney LEP 2012



2.4 Heritage

The site is not heritage listed or located within a heritage conservation area. There is a local heritage item neighbouring the site to the east on the opposite side of Sands Street. The local heritage item at 281-287 Sussex Street is identified as Item No. I1964: Former warehouse 'The Vintage Building'. The building is 3 storeys along Sussex Street and 4 storeys along Sands Street and the western end of Bathurst Street. Its warehouse character is prominent with a face brick façade, large windows and simple street wall.

Figure 16. Extract from heritage map in Sydney LEP 2012



3. Objectives and intended outcomes

This planning proposal will enable the redevelopment of 150 Day Street, Sydney to deliver:

- a total of 30,617 square metres of tourist and visitor accommodation floor space in Central Sydney, aligning with the strategic direction of the Central Sydney Planning Strategy;
- the adaptive reuse of existing structure, where the primary structure and floors (including columns, beams and slabs) are substantially retained, representing significant embodied carbon and achieving environmental performance targets above and beyond City targets and controls;
- a built form capable of achieving design excellence;
- a built form which protects and enhances the amenity of the public domain, in particular through no additional overshadowing of Sydney Square, Town Hall Steps and future Town Hall Square, and through a comfortable and safe wind environment at ground level.

The draft DCP accompanying the Planning Proposal will provide more detailed guidance for the site, including built form, sustainability, vehicular access, servicing and waste management, flooding and design excellence.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan by inserting a new site-specific clause under Division 5 Site Specific Provisions to:

- Permit a maximum building height of RL 87.7m (approximately 85m);
- Permit a maximum floor space ratio of 13.5:1, inclusive of:
 - the mapped floor space ratio (in accordance with clause 4.4);
 - accommodation floor space (clause 6.4);
 - ~~end of journey floor space (clause 6.6);~~
 - Additional floor space, of up to 10%, if the building demonstrates design excellence (under clause 6.21D(3)(b));
- Prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would:
 - feature the substantial retention of the existing structure, including columns, beams and slabs
 - cause no additional overshadowing of Sydney Town Hall Steps, Sydney Square, and future Town Hall Square (in accordance with section 6.18 of Sydney LEP); and
 - not be used for the purpose of residential or serviced apartments.

Clause 6.6 should not apply to this site, no additional floor space for providing end of journey facilities should be available to exceed the maximum floor space ratio set at 13.5:1.

Clause 6.21D(3)(a) should not apply to these site specific controls, no additional building height should be available to exceed the maximum set at RL 87.7 metres.

These controls should not prevent alternative development on the site taking place under the existing LEP controls.

Appendix 1 of this Planning Proposal provides some example clauses of the proposed controls. The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office.

4.2 Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site-specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include:

- objectives for a high quality built form including substantial retention of the existing structure, causing no additional overshadowing of Town Hall Steps, future Town Hall Square and Sydney Square, and resulting in a comfortable and safe wind environment in adjacent public places;

Planning Proposal: 150 Day Street, Sydney

- dimensions of a maximum building envelope;
- sustainability targets above standard requirements for hotels in Central Sydney;
- requirements for the preparation of ~~an embodied carbon emissions integrated report,~~ landscape plan, delivery servicing plan, ~~and detailed environmental site assessment as part of any future development application;~~ and
- a design excellence strategy.

A draft of the new site-specific provisions for the DCP, also ~~to be~~ placed on public exhibition, can be found at Attachment B.

5. Justification

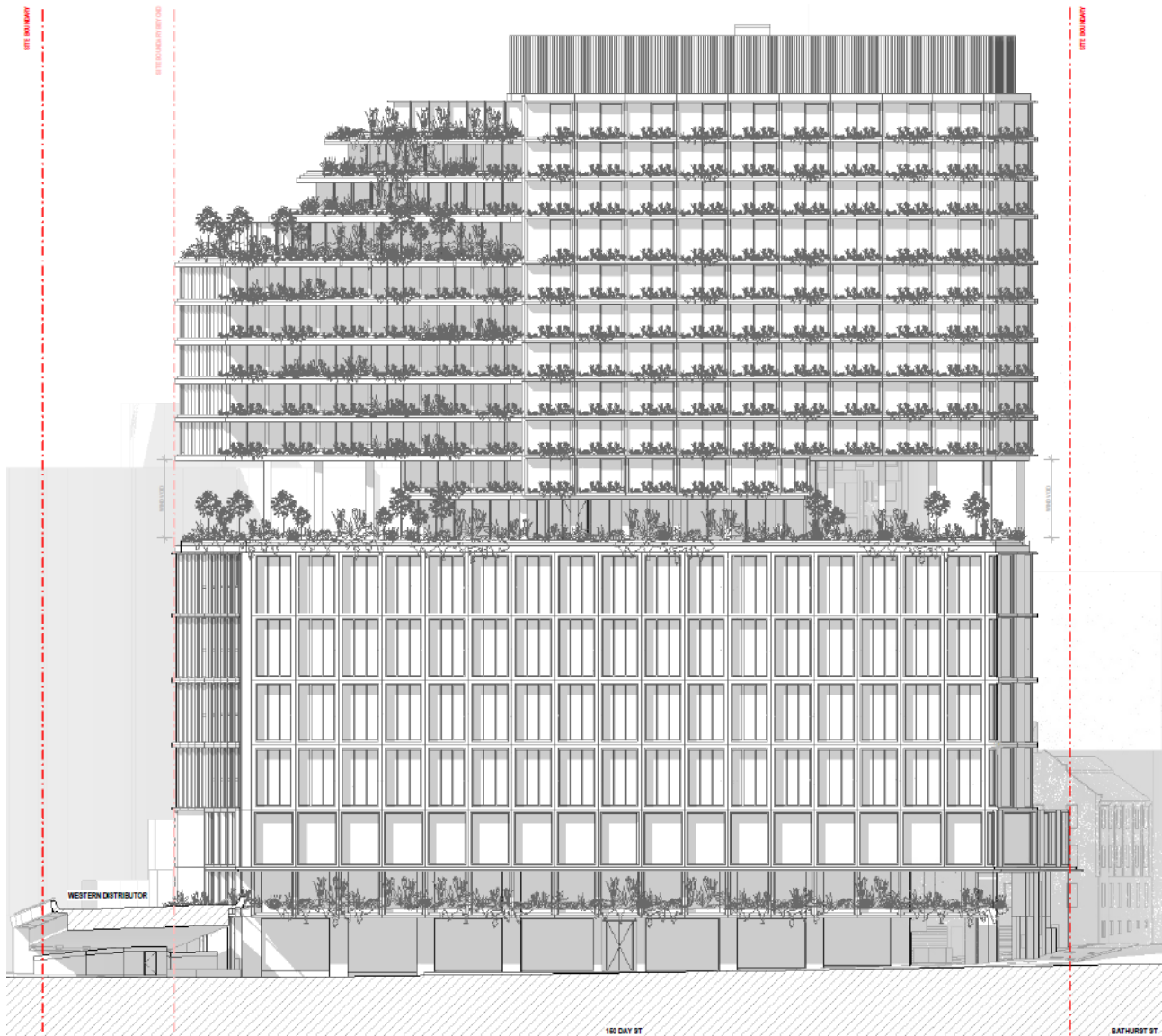
5.1 Landowner request

The applicant UOL Group Limited, supported by Mecone and Hassell, lodged a formal request to prepare a planning proposal in March 2025. The intention for the development is to renovate the existing 11-storey hotel and add a new 11-storey hotel above. This would operate as two different hotel brand offerings (Parkroyal and Pan Pacific) with combined back-of-house and service operations. The reference design depicts active frontages at ground level with potential retail or food and beverage tenancies, and tourist and visitor accommodation and new or upgraded facilities (dining areas, meeting rooms, ball room, gymnasium, pool, bar and restaurant) on all upper levels.

Figure 17. Artistic representation of indicative design – northwestern perspective



Figure 18. Technical drawing of indicative design - western (Day Street) elevation



5.2 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site.

The landowner has provided a Planning Proposal Justification Report and a number of studies in support of the request, including an Urban Design Report prepared by Hassell. Together they describe how the proposal is consistent with relevant strategies and demonstrate how the site is capable of accommodating growth in employment generating floor space through amending building height and floor space ratio controls without unacceptable impacts on public domain and amenity.

The supporting documents commissioned by the applicant to support their request are attached as the following Attachments to this planning proposal:

- Attachment A1: Planning Proposal Justification Report – Mecone
- Attachment A2: Urban Design Report – Hassell
- Attachment A3: Draft site-specific DCP as suggested by proponent – Mecone
- Attachment A4: Building Envelopes
- Attachment A5: Survey Drawings
- Attachment A6: Economic Impact Assessment – Atlas Economics
- Attachment A7: Planning Stage Structural Report – TTW
- Attachment A8: Pedestrian Wind Environment Study – Windtech
- Attachment A9: Sustainability Vision and Strategy Report – Atelier Ten
- Attachment A10: View Sharing Analysis – Urbis
- Attachment A11: Transport Impact Assessment – ptc
- Attachment A12: Flood Impact and Risk Assessment – TTW
- Attachment A13: Statement of Heritage Impact – Weir Phillips Heritage
- Attachment A14: Air Quality Assessment – SLR
- Attachment A15: Noise Impact Assessment – Acoustic Logic
- Attachment A16: Infrastructure Report – LCI
- Attachment A17: Report on Preliminary Site (Contamination) Investigation – Douglas Partners
- Attachment A18: Report on Desktop Geotechnical Assessment – Douglas Partners
- Attachment A19: Report on Footing Investigation – Douglas Partners
- Attachment A20: Civil Engineering Preliminary Review – TTW
- Attachment A21: Existing Building Services Condition Report – LCI
- Attachment A22: Building Code of Australia 2022 Capability Statement – Metro Building Consultancy
- Attachment A23: Preliminary Public Art Strategy – UAP
- Attachment A24: Social and Community Needs Assessment – Mecone
- Attachment A25: Connecting to Country: Aboriginal Design Principles – WSP
- Attachment A26: Concept Operational Waste Management Plan – Elephants Foot
- **Attachment A27: Addendum to Transport Impact Assessment – Mecone and ptc**

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

This Planning Proposal seeks to insert new site-specific provisions into the LEP for the site. The objective is to deliver 30,617 square metres of tourist and visitor accommodation floor space which is approximately 8,000 square metres more than what is currently allowed under the floor space ratio controls of the Sydney LEP. The resulting conditions have been assessed to ensure any future built form is appropriate and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space consistent with the objectives of the Local Strategic Planning Statement and Central Sydney Planning Strategy.

5.3 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities – The Greater Sydney Region Plan

The planning proposal gives effect to the following objectives of the Greater Sydney Region Plan:

- **Objective 14: Integrated land use and transport creates walkable and 30-minute cities** – The site is located in Central Sydney, within 300m of Town Hall with intercity and suburban rail, metro, light rail and bus connections, with additional bus stops nearby on Sussex Street and cycleways on Kent Street providing additional linkages with the metropolitan transport network. The location within the Metropolitan Centre Zone and proximity to residential areas in the CBD and Pyrmont promotes the vision of a 30-minute city. The proposal to remove any private parking reduces the use of private vehicle trips and encourages walking and the use of public transport.
- **Objective 18: Harbour CBD is stronger and more competitive** – The site's location within the Harbour CBD and the provision of additional tourist and visitor accommodation floor space helps to achieve the strategies for an internationally competitive commercial sector to support an innovation economy.
- **Objective 22: Investment and business activity in centres** – The site is located within the metropolitan centre of the Eastern Harbour City, supporting the economic significance of the Harbour CBD.
- **Objective 24: Economic sectors are targeted for success** – The site, proposing additional tourist and visitor accommodation, is located in the Harbour CBD of the Eastern Harbour City, in close proximity to iconic landmarks including Darling Harbour and the network of cultural institutions and conference centres, linking business and leisure visits.
- **Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change** – This planning proposal supports the aspirational objectives of achieving net-zero emissions through the embodied carbon savings of the building retention requirement, and the 5-star Green Star Buildings and 4.5-star NABERS Energy ratings targets.

Eastern City District Plan

The planning proposal gives effect to the following Planning Priorities of the Eastern City District Plan:

- **Planning Priority E7: Creating a stronger and more competitive Harbour CBD** – Central Sydney is at the core of the Harbour CBD. This planning proposal will facilitate new tourist and visitor accommodation floor space, supporting the strong cultural, arts and entertainment focuses of the Harbour CBD, a diverse and vibrant night-time economy, and an internationally competitive commercial sector to support an innovation economy.
- **Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city** – Any redevelopment of the site under the controls made by this planning proposal would be designated for tourist and visitor accommodation, which would be well-positioned to take advantage of the metropolitan transport network, including rail, light rail, metro and bus connections, nearby cycleways, as well as being within walking distance of the Harbour CBD's major commercial, cultural and entertainment precincts.
- **Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres** – The site is located within the metropolitan centre of the Eastern City District (Harbour CBD) and any redevelopment facilitated by controls made by this planning proposal would provide new tourist and visitor accommodation floor space, supporting employment growth while being well-positioned to take advantage of existing services and transport infrastructure.

- **Planning Priority E13: Supporting growth of targeted industry sectors** – This planning proposal facilitates new tourist and visitor accommodation floor space within walking distance of key commercial, cultural and entertainment precincts, including Darling Harbour, supporting initiatives to attract more visitors and improve visitor experiences at key tourist attractions.
- **Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently** – This planning proposal supports the aspirational objectives of achieving net-zero emissions through the embodied carbon savings of the building retention requirement, and the 5-star Green Star Buildings and 4.5-star NABERS Energy ratings targets.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

City Plan 2036 (Local strategic planning statement)

The planning proposal gives effect to the following priorities of City Plan 2036:

- **Priority I1: Movement for walkable neighbourhoods and a connected city** – This planning proposal would facilitate new development and tourist and visitor accommodation well-positioned to integrate with existing and future transport connections in Central Sydney, within walking distance to the CBD's major commercial, cultural and entertainment precincts including Darling Harbour.
- **Priority I2: Align development and growth with supporting infrastructure** – This planning proposal would facilitate the development of new tourist and visitor accommodation in Central Sydney, well-positioned to take advantage of existing transport, utilities and services infrastructure, increasing visitor numbers in the location with the greatest capacity to accommodate them.
- **Priority P1: Growing a stronger, more competitive Central Sydney** – This planning proposal supports growth in Central Sydney by facilitating future development that will deliver additional capacity for economic and employment growth.
- **Priority S2: Creating better buildings and places to reduce emissions and waste and use water efficiently** – This planning proposal requires a building retention approach for any development wishing to take advantage of the new planning controls, reducing greenhouse gas emissions by preserving the embodied carbon within the existing structure and improving energy efficiency through the implementation of Green Star Buildings and NABERS Energy targets.

Sustainable Sydney 2030-2050: Continuing the vision

This planning proposal gives effect to the following strategic directions of Sustainable Sydney 2030-2050: Continuing the vision:

- **Direction 2: A leading environmental performer** - This planning proposal requires a building retention approach for any development wishing to take advantage of the new planning controls, reducing greenhouse gas emissions by preserving the embodied carbon within the existing structure and improving energy efficiency through the implementation of Green Star Buildings and NABERS Energy targets.
- **Direction 4: Design excellence and sustainable development** – This planning proposal requires a building retention approach for any development wishing to take advantage of the new planning controls. Multiple architects will participate in a competitive design process to deliver design excellence, with the site-specific DCP to include a design excellence strategy which requires competitors with demonstrated experience in environmental sustainability.
- **Direction 5: A city for walking, cycling and public transport** – The site is well-positioned to take advantage of existing transport infrastructure, including rail, light rail, Metro and bus services, and nearby cycleways. The site is located within walking distance of Central Sydney's major commercial, cultural and entertainment precincts, including Darling Harbour.

- **Direction 9: A transformed and innovative economy** – This planning proposal supports employment growth and the visitor economy in Central Sydney, helping to maintain the City's position locally, nationally and globally as a destination for business, investment and talent.

Central Sydney Planning Strategy

This planning proposal gives effect to the following key moves of the Central Sydney Planning Strategy:

- **1. Prioritise employment growth and increase capacity** – This planning proposal will facilitate redevelopment of the site delivering new tourist and visitor accommodation, increasing capacity within Central Sydney and supporting the visitor economy.
- **5. Ensure infrastructure keeps pace with growth** – Development facilitated by this planning proposal is subject to the Central Sydney Development Contributions Plan 2020 and City of Sydney Affordable Housing Program.
- **6. Move towards a more sustainable city** – This planning proposal requires a building retention approach for any development wishing to take advantage of the new planning controls, reducing greenhouse gas emissions by preserving the embodied carbon within the existing structure and improving energy efficiency through the implementation of Green Star Buildings and NABERS Energy targets.
- **7. Protect, enhance and expand Central Sydney's heritage and public spaces** – This planning proposal delivers additional building height while retaining no additional overshadowing protections to Sydney Square, Town Hall Steps and future Town Hall Square.
- **8. Move people more easily** – The site is located within easy walking distance of multiple public transport services as well as Central Sydney's major commercial, cultural and entertainment precincts including Darling Harbour.
- **9. Reaffirm commitment to design excellence** – Future development on site facilitated by this planning proposal will be subject to a full competitive design process, with the site-specific DCP to include a design excellence strategy.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

City of Sydney Economic Development Strategy 2025-2035

This planning proposal gives effect to the actions of the City's Economic Development Strategy. By supporting an expansion of tourist and visitor accommodation in this part of Central Sydney, within close walking distance of Darling Harbour, Town Hall and Chinatown, it:

- supports efforts to invest in and leverage major events, festivals and business conferences to promote Sydney to global audiences
- supports efforts to create world class visitor services
- promotes areas with strong sector specialisations and a clustering of complementary economic activities
- trials and tests new ideas and approaches to support industry innovation in the transition to net zero, and showcases Sydney as a global champion of net zero.

Is the planning proposal consistent with applicable SEPPs?

The following table (Table 1) outlines the consistency of this planning proposal with applicable State Environmental Planning Policies (SEPPs).

Table 1. Consistency with applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	This Planning Proposal is consistent. Chapters 3, 4, 5 and 13 are not applicable to this site. In reference to Chapter 2, as the site is located in Central Sydney, there is no vegetation to be cleared and the planning proposal requires retention of existing structure and no change to site coverage. In reference to Chapter 6, the site is located in the Sydney Harbour Catchment but is not located in the Foreshores and Waterways Area, nor is it located within 100m of a natural waterbody. The impact of development in a regulated catchment (Sydney Harbour Catchment) is addressed in the Urban Design Report (Attachment A2), Flood Impact and Risk Assessment (Attachment A12), and Infrastructure Report (Attachment A16). Because the existing structure is being retained, with no additional excavation, no change to current site coverage, and no change to current drainage infrastructure proposed, it is considered unlikely that the proposal will have any adverse impact on water quality and quantity, aquatic ecology, recreation and public access, or flooding beyond the boundaries of the site. Further investigation regarding water will be undertaken following as part of any future development application, including any need to improve or upgrade the existing City of Sydney stormwater asset running underneath the site.
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent.
SEPP (Housing) 2021	This planning proposal is consistent.
SEPP (Industry and Employment) 2021	This planning proposal is consistent.
SEPP (Planning Systems) 2021	This planning proposal is consistent.
SEPP (Precincts – Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent. The site is not located in a coastal environment area or a coastal use area. With reference to Chapter 4 Remediation of Land, the City has considered the potential for contamination reflecting the history of the site, and the proponent has prepared a Report on Preliminary Site (Contamination) Investigation at Attachment A17.

SEPP	Comment
	No change in land use is facilitated by this planning proposal and the development would require the retention of the existing structure with no bulk excavation. However a limited degree of excavation would be required for lift pits, footing expansions and services. Preliminary results have not revealed any issues of concern. Further investigation regarding potential contamination will be undertaken as part of any future development application process, and the Report on Preliminary Site (Contamination) Investigation has provided recommendations for future testing and assessment.
SEPP (Resources and Energy) 2021	This planning proposal is consistent.
SEPP (Sustainable Buildings) 2022	This planning proposal is consistent. All development on site will be consistent with standards for non-residential development as articulated in Chapter 3.
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent. Noting the close proximity and the overlapping land ownerships associated with the Western Distributor and Cross City Tunnel, the planning proposal will be referred to Transport for NSW for comment. The proponent has already undertaken preliminary engagement with Transport for NSW. <u>Noting the close proximity and the overlapping land ownerships associated with the Western Distributor and Cross City Tunnel, the planning proposal was referred to Transport for NSW (TfNSW) for comment. TfNSW outlined future consultation that must occur with itself and Transurban with regard to the potential impact of any construction on the Cross City Tunnel, including the requirement to enter into an interface agreement with Transurban.</u> <u>Any public domain works involving Day Street, Bathurst Street or the pedestrian underpass below the Western Distributor will require the consultation and approval of TfNSW and Transurban.</u> <u>Further feedback and recommendations to the Transport Impact Assessment were provided with regard to traffic modelling and vehicle access, including pick up/drop off arrangements on Day Street, and more details on this advice are available in the Summary of Submissions at Attachment D to the council report.</u>

The following SEPPs are not applicable to this planning proposal:

- SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table (Table 2) outlines the consistency of this planning proposal with applicable Local Planning Directions.

Table 2. Consistency with Local Planning Directions

Ministerial Direction	Comment
1.1 Implementation of Regional Plans	This planning proposal is consistent, as demonstrated in section 5.3 of this document.
1.3 Approval and Referral Requirements	This planning proposal is consistent. No provisions are being proposed that would require the concurrence, consultation or referral of development applications to a Minister or public authority, nor identify the development as designated development.
1.4 Site Specific Provisions	This planning proposal is consistent. The planning proposal does not unnecessarily restrict the permitted uses on the land. The planning proposal provides development uplift for tourist and visitor accommodation uses. This is consistent with strategic priorities established in the relevant regional and district plan and LSPS. Development that does not make use of the uplift provided by the planning proposal can continue to make use of the full range of uses permitted in the SP5 zone.
3.1 Conservation Zones	This planning proposal is consistent. The site is not located within an environmentally sensitive area, a conservation zone nor land otherwise identified for environment conservation/protection purposes.
3.2 Heritage Conservation	The planning proposal is consistent. There are no heritage-listed items on the site, and the site's proximity to a heritage item is fully considered by the planning proposal. A Heritage Impact Statement, provided by the proponent, is at Attachment A13.
3.5 Recreation Vehicle Area	The planning proposal is consistent. The site is not being developed for the purpose of a recreation vehicle area.
3.7 Public Bushland	The planning proposal is consistent. The site does not contain any urban bushland.
3.9 Sydney Harbour Foreshores and Waterways Area	This planning proposal is consistent. The site is not located within the Foreshores and Waterways Area.
3.10 Water Catchment Protection	This planning proposal is consistent. The site is located within the Sydney Harbour Catchment but outside the Foreshores and Waterways Area boundary. Apart from the harbour itself there are no natural watercourses in the vicinity, however there is an extensive below ground pit and pipe stormwater network that collects stormwater runoff to Darling Harbour. As this planning proposal would facilitate development requiring retention of the

Ministerial Direction	Comment
	existing structure, it is considered unlikely that any development would worsen water quality. Proposed greenspaces and landscaping of new structure provides opportunities to improve the quality of water runoff. The planning proposal does not conflict with the objectives of the Direction, and the proponent has provided a Planning Stage Structural Report, Flood Impact and Risk Assessment and Civil Engineering Preliminary Review, attached to this document at Attachments A7, A12 and A20 respectively. Considering the proximity of Sydney Water assets to the site, it is expected that the City will refer this planning proposal to Sydney Water for comment. <u>The proposal was referred to Sydney Water for comment who raised no objections or recommendations at this stage, and provided some high level information regarding water and wastewater servicing to be considered with any future Development Application.</u>
4.1 Flooding	The planning proposal is inconsistent with this direction. The Flood Impact and Risk Assessment prepared by the proponent, at Attachment A12, shows floor levels of the existing structure to be below the flood planning level for this development type of a minimum 1% AEP flood level. As this planning proposal would facilitate a significant increase in the number of hotel rooms located on this site, this would appear to be contrary to the provisions of this local planning direction. However, this direction allows a planning proposal to be inconsistent should the planning proposal be supported by a flood and risk impact assessment prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements. This planning proposal facilitates an increase in the intensity of the land use on this site, with an additional 150-200 hotel rooms, but because there is no change proposed to the existing building extent at the ground floor plane, there will be no change in flood behaviour when compared with the existing scenario. Even when considering the building retention approach, redevelopment offers the opportunity to achieve compliance with the City's upcoming provisions for Water and Flood Management outlined in the draft policy and housekeeping amendments to the Sydney DCP endorsed by Council in June 2025. This includes raising floor levels above the flood planning level and the installation of flood barriers at lobby, basement and loading dock entrances should all other options having been explored are unable to address the risk. It should be noted that the Sands Street loading dock floor level is below the 20% AEP flood level, and the ability to rectify this is constrained due to the limited space for vehicle turning, gradient compliance and the existing road level of Sands Street. Raising Sands Street is not possible due to the existing adjacent

Ministerial Direction	Comment
	properties and their loading dock entrances. If in the detailed DA flooding can't be addressed by any other means, the loading dock could be protected using flood barriers that would be fully automated with their own independent power supply. There is also no opportunity for flood water entering the loading dock to flow into the rest of the ground floor or basement due to raised internal floor levels which are above the PMF. The relatively frequent flooding of the dock to be expected by a floor level below the 20% AEP flood level can be managed through a Delivery Servicing Plan, which will be required in the site-specific DCP attached to this document at Attachment B. The Flood Impact and Risk Assessment also includes a Preliminary Flood Emergency Management Plan which assesses flood behaviour and risk, flood inundation times, and a flood response strategy with reference to the shelter-in-place guidelines published by the Department of Planning, Housing and Infrastructure. A detailed Flood Emergency Response Plan, prepared in accordance with the requirements in the NSW Flood Risk Management Guideline including EM01 Support for Emergency Management Planning, FB01 Understanding and Managing flood, and NSW shelter in-place guidelines will be required as part of any future development application, and is included as a requirement in the site-specific DCP attached to this document at Attachment B. It is expected that this planning proposal be referred to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the State Emergency Service (SES) as part of agency referrals following Gateway Determination. Their feedback can be incorporated into the planning proposal and the subsequent design excellence process ahead of any future development application. <u>The proposal was referred to the Department of Climate Change, Energy, the Environment and Water (DCCEEW), who made recommendations for updates to Sydney DCP with regard to flood gate protection measures and Flood Emergency Response Plans. Some of these recommendations have already been adopted as part of the Policy and Housekeeping Amendments to the Sydney DCP which were approved by Council in June 2025. Others will be considered following the publication of the NSW Climate Change and Natural Hazards State Environmental Planning Policy and Climate Change Scenario Guidelines later in 2026.</u> <u>The proposal was referred to the NSW State Emergency Service (SES) who made recommendations for updates to the Flood Impact and Risk Assessment (FIRA) with regard to climate change impacts and the installation of flood control devices such as flood gates. The site-specific DCP, at Attachment B to the council report, has been amended to include a requirement for the FIRA at DA stage to include consideration of over-floor flooding risks and a sensitivity test in case of any failure of flood control devices. More</u>

Ministerial Direction	Comment
	<u>information on our response to the recommendations of SES can be found in the Summary of Submissions at Attachment D to the council report.</u>
4.2 Coastal Management	The planning proposal is consistent. The site is not located within the coastal environment area or coastal use area.
4.4 Remediation of Contaminated Land	The planning proposal is consistent. The City has considered the potential for contamination reflecting the history of the site, and the proponent has prepared a Report on Preliminary Site (Contamination) Investigation at Attachment A17. No change in land use is facilitated by this planning proposal and the development would require the retention of the existing structure with no bulk excavation. However a limited degree of excavation would be required for lift pits, footing expansions and services. Preliminary results have not revealed any issues of concern. Further investigation regarding potential contamination will be undertaken as part of any future development application process, and the Report on Preliminary Site (Contamination) Investigation has provided recommendations for future testing and assessment.
4.5 Acid Sulfate Soils	The planning proposal is consistent. The site is located within areas classified as Class 1 & 2 under section 7.14 of the Sydney LEP and any development facilitated by this planning proposal would result in the intensification of land uses on the site. While no change in land use is proposed and the development would require the retention of the existing structure, a limited degree of excavation would be required for lift pits, footing expansions and services. An acid sulfate soils management plan will be required as part of any future development application.
5.1 Integrating Land Use and Transport	The planning proposal is consistent. The site is located in an area that is well serviced by existing public and private transport options.
5.2 Reserving Land for Public Purpose	The planning proposal is consistent. No changes to existing zonings or reservations of land for public purposes are facilitated by this planning proposal.
6.1 Residential Zones	This planning proposal is consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
6.2 Caravan Parks and Manufactured Home Estates	This planning proposal is consistent.
7.1 Employment Zones	This planning proposal is consistent. It will encourage employment growth in a suitable location, as well as protect and

Ministerial Direction	Comment
	support the viability of an area identified in the relevant regional and district plans and LSPS for commercial uses.

The following Ministerial Directions are not applicable to this planning proposal:

- Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place Strategy, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.6 Strategic Conservation Planning, 3.8 Willandra Lakes Region, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.3 Development Near Regulated Airports and Defence Airfields, 5.4 Shooting Ranges, 5.5 High Pressure Dangerous Goods Pipelines, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal applies to a site in Central Sydney, currently occupied by a hotel with full site coverage and no vegetation within its boundaries. Any redevelopment would be an intensification of existing uses and similar to surrounding buildings. It is highly unlikely for any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Building retention and sustainability

The existing building was originally constructed in 1988 as a 10-storey concrete frame building. The proponent has prepared an Existing Building Services Condition Report, at Attachment A21, which outlines the range of mechanical, electrical, communications, hydraulics, fire, emergency and vertical transportation services which need to be replaced due to the 37-year age of the building and subsequent changes to NCC standards. Rather than pursue a full demolition and rebuild, with the substantial associated loss of embodied carbon, the proponent has chosen to undertake an adaptive reuse approach.

As outlined in the Urban Design Report provided at Attachment A2, the proponent has applied a structures retention methodology to investigate the extent to which the existing fabric can be retained, the impact of new strengthening and structural elements to accommodate increased building height, and an audit to identify façade deficiencies and improve performance. The Report has identified opportunities to pursue full electrification and reduce reliance on gas. The existing façade's glazing can be replaced with a new lightweight system which addresses noise and heat gain issues, reducing HVAC-related carbon emissions and aligning with NCC 2025 standards by enhancing thermal and acoustic performance while decreasing structural load. The reference design proposes to strip away the actual concrete façade and a new lightweight system to be installed which, while removing carbon from the building, reduces carbon over the future life of the hotel by reducing the weight on the existing structure (minimising strengthening works) and supporting improvements to thermal and acoustic performance. The Urban Design Report also proposes to retain the façade on site, crushed into new cladding, for example. The lightweight façade also facilitates significant landscaping on walls, terraces, balconies and roofs.

Further opportunities to improve retention of existing structure and embodied carbon, and enhance sustainability measures including energy efficiency and landscaping, can be explored as part of the competitive design process. As made clear in part 4 of this report, the additional building height and floor space ratio is only available where the City is satisfied that the resulting development features the substantial retention of the existing structure, including columns, beams and slabs. In addition the draft site-specific DCP, at Attachment B, requires development on the subject site for tourist and visitor accommodation to meet, as a minimum, a 5-star Green Star Buildings v1 rating and a 4.5-star NABERS Energy rating, which exceeds the energy performance standards required for hotels in section 3.6.1(7) of the Sydney DCP.

Floor Space Ratio

This planning proposal will insert site-specific floor space ratio (FSR) controls in the LEP for the site, 150 Day Street. These FSR controls are specific to the building envelope outlined in this planning proposal and have been tested to ensure that it is possible to accommodate the proposed FSR within the dimensions of the proposed building envelope. It should be noted that the existing structure being retained as part of this proposal pre-dates the implementation of the Sydney DCP, having been constructed in 1988, and has architectural features that do not comply with the DCP,

namely floor-to-floor heights of 2.85m. However, all additional floors to be constructed above the existing building will be consistent with the DCP in terms of floor-to-floor heights (3.4m).

The planning proposal increases the maximum FSR on the site from 9.9:1 to 13.5:1, inclusive of accommodation floor space, ~~end of journey floor space~~ and design excellence. A Planning Proposal Justification Report and Urban Design Report, prepared by Mecone and Hassell respectively on behalf of the landowner, are at Attachment A1 and A2. They detail how the desired density is consistent with the City's vision for Central Sydney and will result in additional commercial floor space for tourist and visitor accommodation without significant adverse impacts.

To be eligible for the proposed development controls, future development on the site is to meet the site-specific requirements in the LEP, such as restricting future development on site to non-residential uses only, feature substantial retention of the existing including columns, beams and slabs, and not cause any additional overshadowing of Sydney Town Hall Steps, Sydney Square and future Town Hall Square.

Urban design

The planning proposal will insert site-specific building height controls in the LEP. The increase in the maximum building height from 45m to RL 87.7m (approximately 85m) will facilitate the requested increase in FSR. The site will remain subject to the no additional overshadowing controls as outlined in section 6.18 of the Sydney LEP. In particular, no additional overshadowing is permitted to:

- Sydney Town Hall Steps, from 14 April to 31 August, between 10.30am and 4pm;
- Sydney Square, from 14 April to 31 August, between 11am and 4pm; and
- future Town Hall Square, all year, between midday and sunset.

The interaction of these two controls results in a maximum building height as demonstrated in Figures 19-22. Proposed site-specific DCP controls will establish a maximum building envelope which complies with the above restrictions.

Figure 19. Maximum building envelope - south elevation

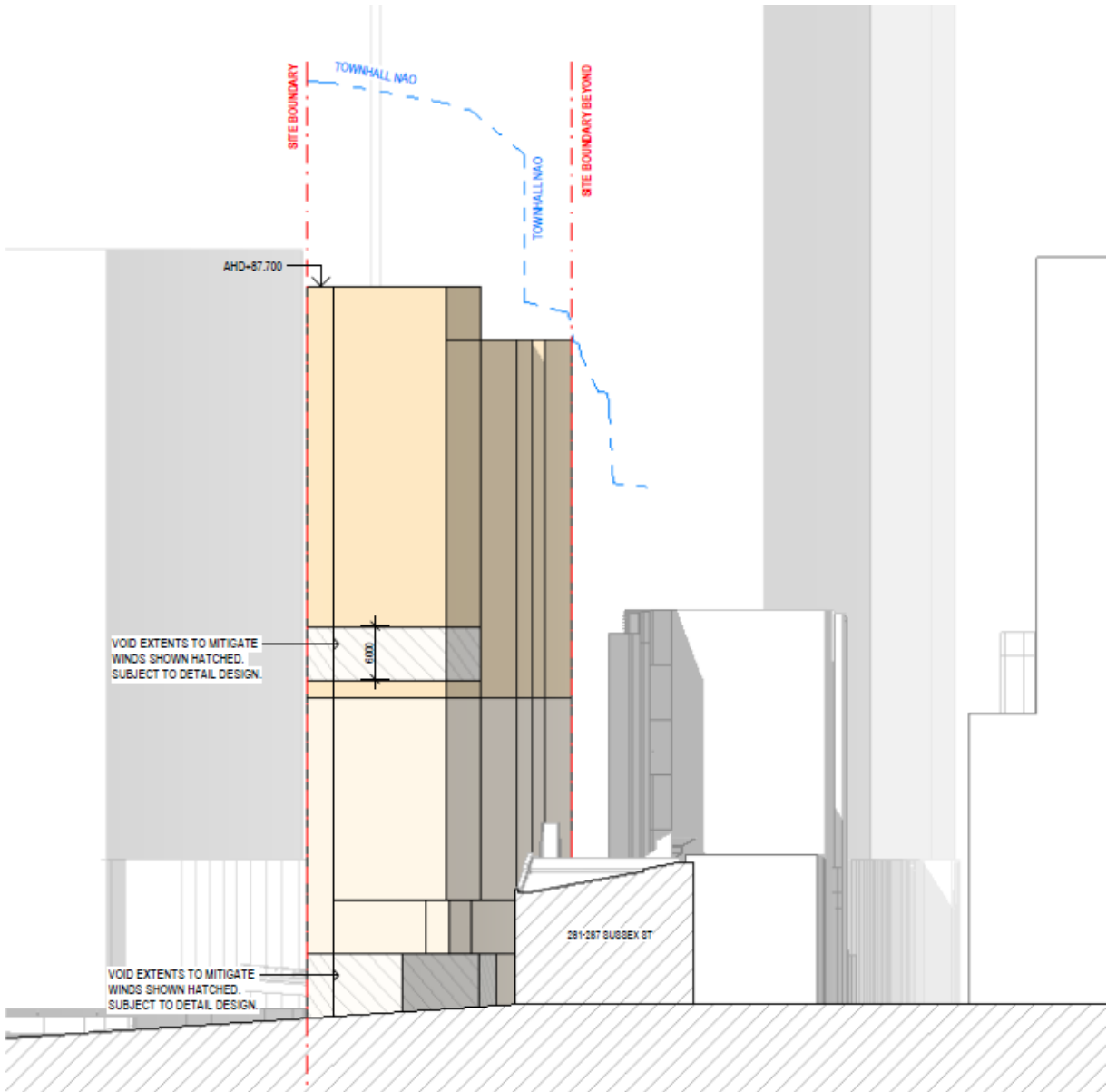


Figure 20. Maximum building envelope - east elevation

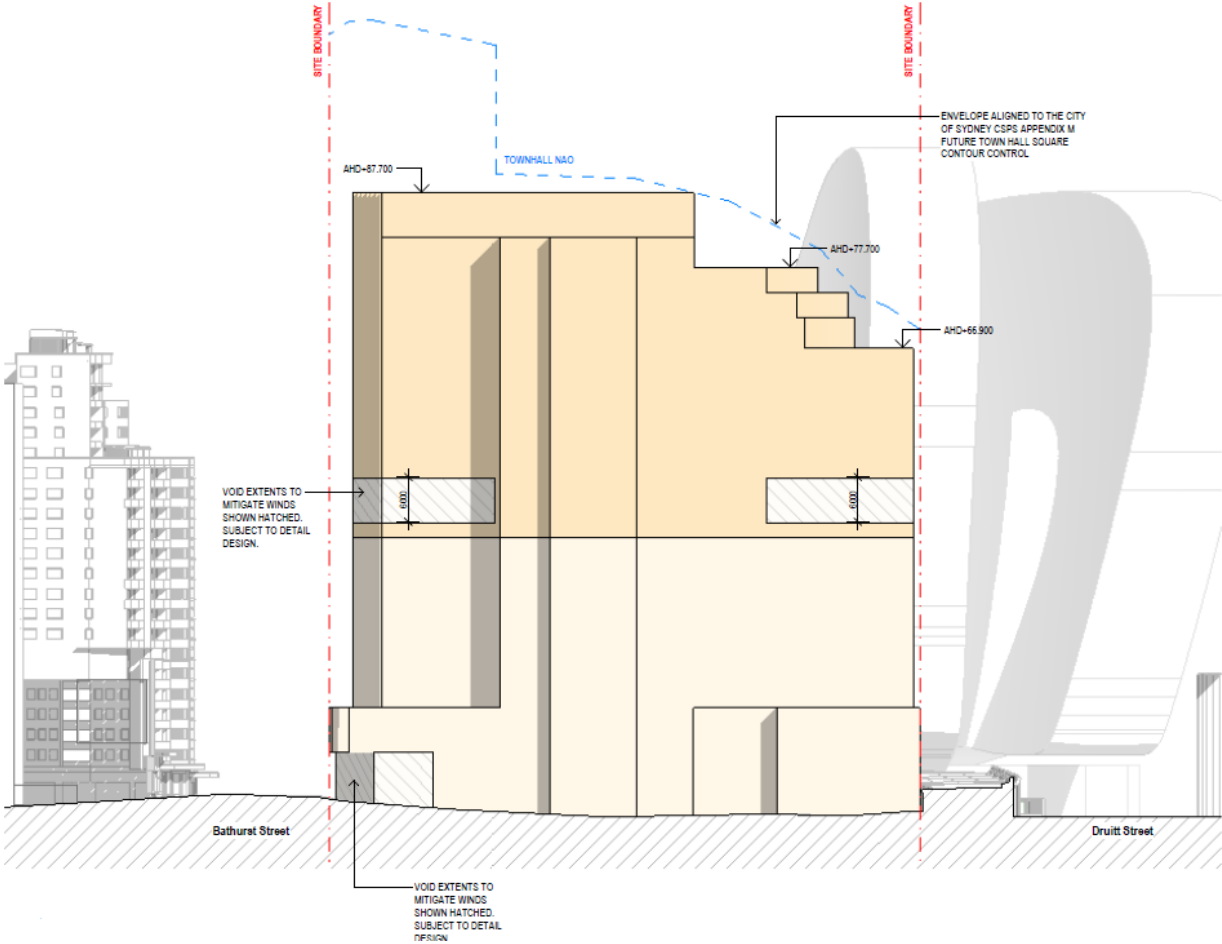


Figure 21. Maximum building envelope - north elevation

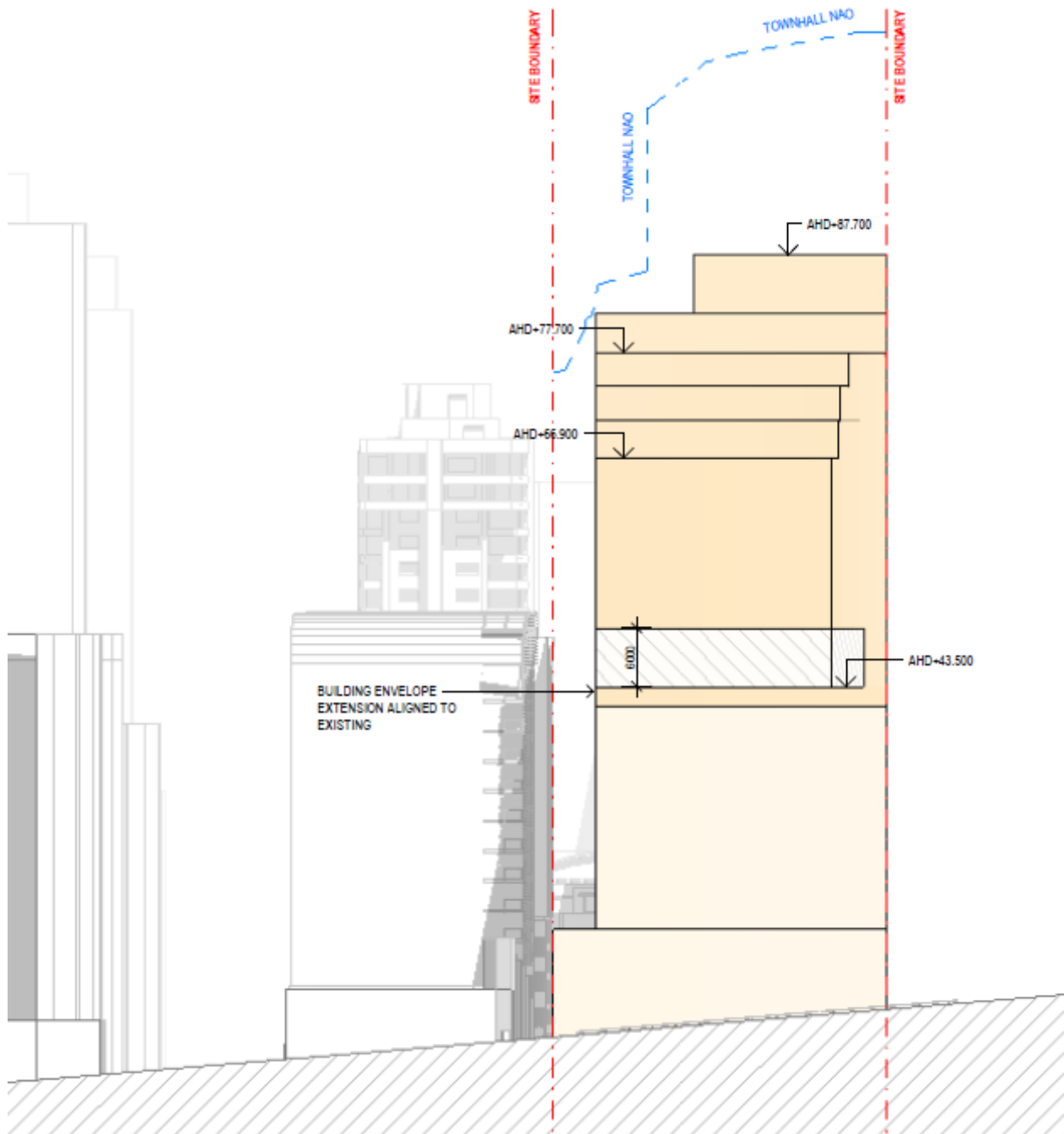
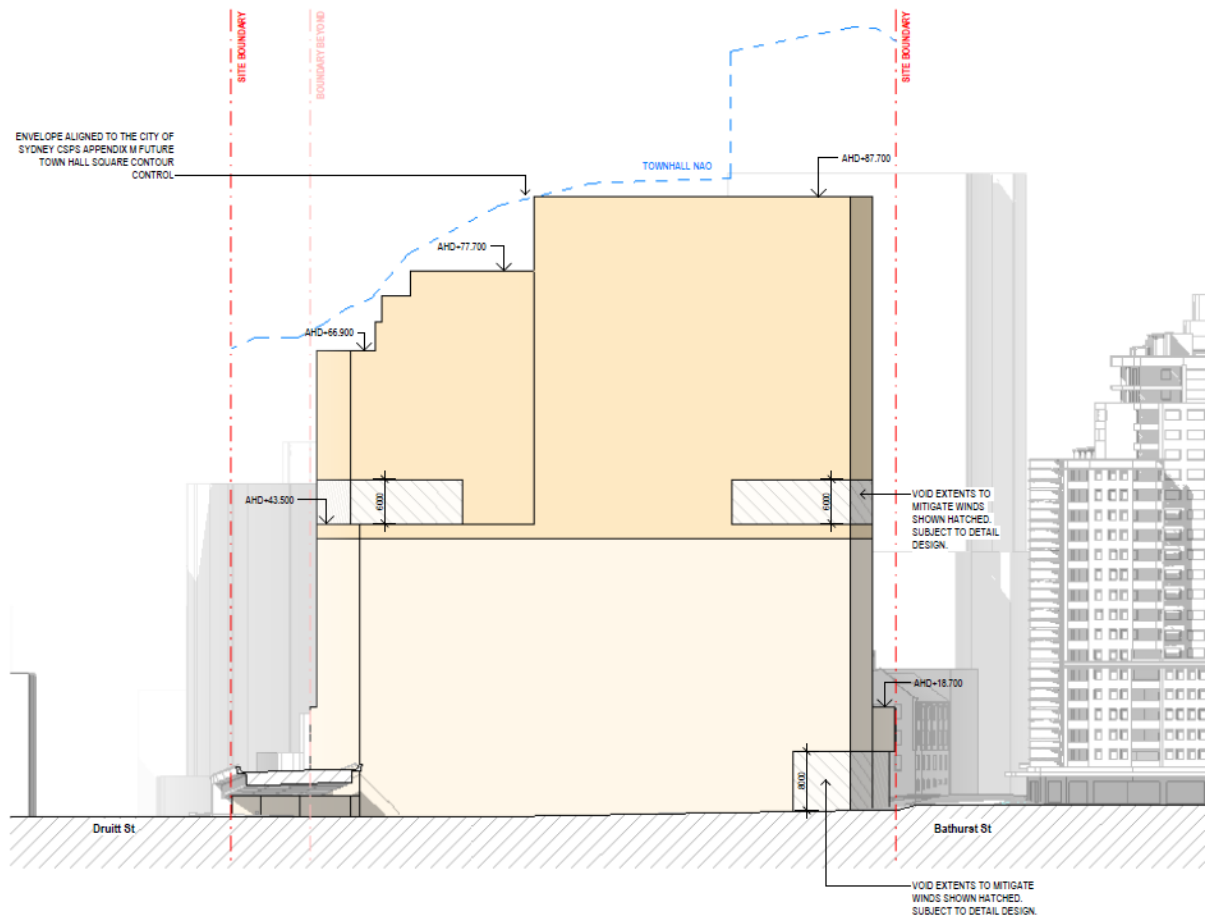


Figure 22. Maximum building envelope - west elevation



The proposal uses the existing structure to support a vertical extension on the site. In this case, the maximum building envelope facilitates a 22-storey building which steps downwards from RL 87.7m to RL 66.9m towards the northern boundary of the site, in accordance with the Town Hall Square No Additional Overshadowing Control. The locations of new floor levels are determined in large part by the location of existing columns and the geometry of the existing building, which is largely built to the boundary on all sides.

According to section 5.1.1.1 of the Sydney DCP, buildings with a total height between 55 and 120 metres should feature street frontage heights of 45 metres, a street setback of 8 metres, from public places (streets and lanes), before continuing a vertical extrusion up to the maximum height allowable. If these street setbacks were applied to this site, it would mean that any vertical extrusion above 45 metres in height would be between 4 to 16 metres wide – too small and narrow to accommodate hotel rooms, lift core and building services. This is illustrated below in Figures 23 and 24. As a result, the proponent has undertaken a series of tests to determine that an alternative maximum building envelope can be developed which achieves commercially viable floorplates for a hotel while also achieving acceptable wind, overshadowing and other urban design outcomes.

Figure 23. Section 5.1.1.1 compliant building envelope as illustrated by proponent

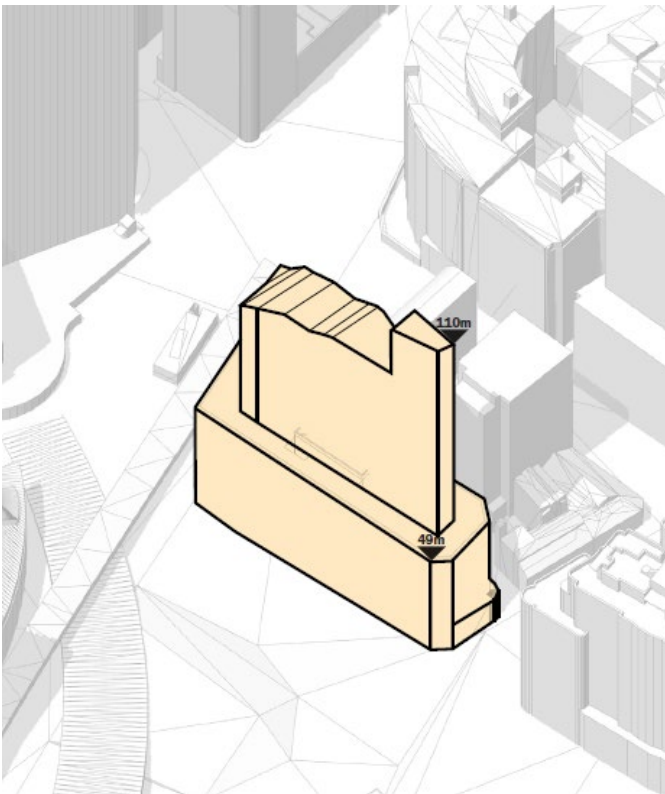
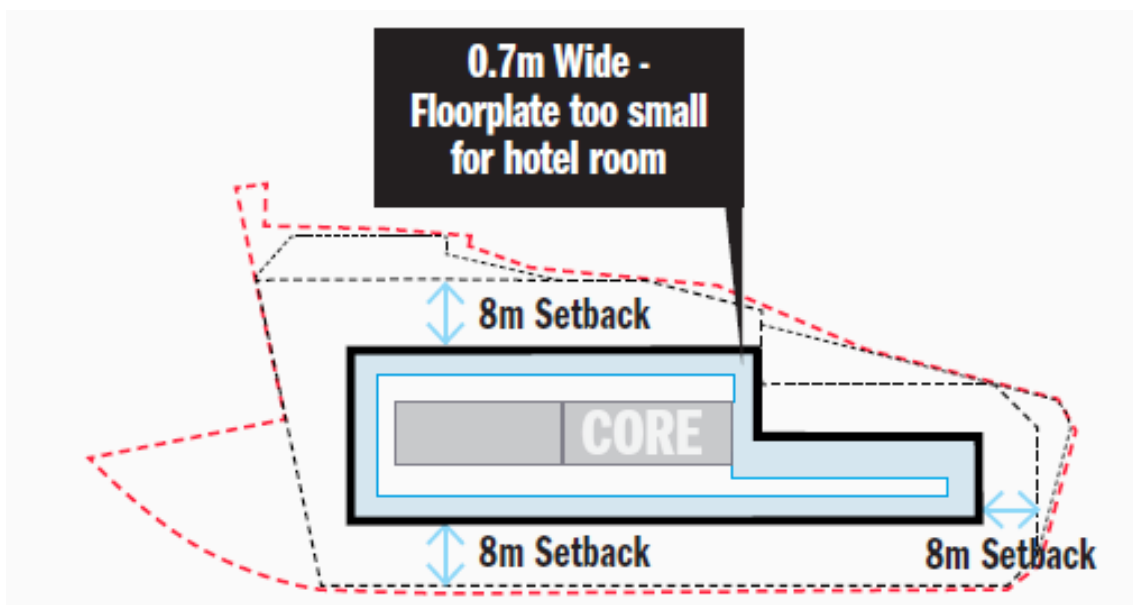


Figure 24. Section 5.1.1.1 compliant floor plate as illustrated by proponent



Wind

The proponent has provided a Pedestrian Wind Environment Study, as required by section 5.1.9 of the Sydney DCP 2012, at Attachment A8. This report illustrates how existing wind conditions on Day Street currently fail the City of Sydney's Wind Safety Standard and Wind Comfort Standards for various testing points around the subject site. These exceedances occur from westerly winds which downwash off the façade and are funnelled down to Day Street and along Bathurst and Druiitt Streets. The Sydney DCP requires development not to worsen (by increasing spatial extent, frequency or speed) an existing wind speed that exceeds the Wind Safety Standard or Wind Comfort Standard.

The report outlines how wind tunnel testing of the proposed building envelope resulted in additional modifications to the massing, namely the inclusion of an 8-metre chamfer along the ground level southern edge of the site, and the inclusion of void spaces along the northern and southern boundaries of the building envelope across Levels 11 and 12. These measures, when tested in the wind tunnel, demonstrate that the proposal can deliver wind conditions equivalent to or improved on current conditions. The voids and chamfer are included in planning envelope diagrams shown in Figures 19 to 22, as well as in the site-specific DCP, at Attachment B, which defines the maximum building envelope for the site. Figures 25 to 28 outline the wind tunnel test results for the existing and proposed developments.

The site-specific DCP includes provisions which make clear that any future development taking advantage of the controls proposed in this planning proposal may alter the location and extent of the voids and chamfer if demonstrated that wind conditions are further improved from what is proposed here. Additional wind tunnel testing will take place following the design competition to assess the winning detailed building design and the City will need to be satisfied that wind conditions are acceptable as part of any development application.

Figure 25. Wind tunnel test results of existing building close to site (red lines indicating points of exceedance and associated wind direction)

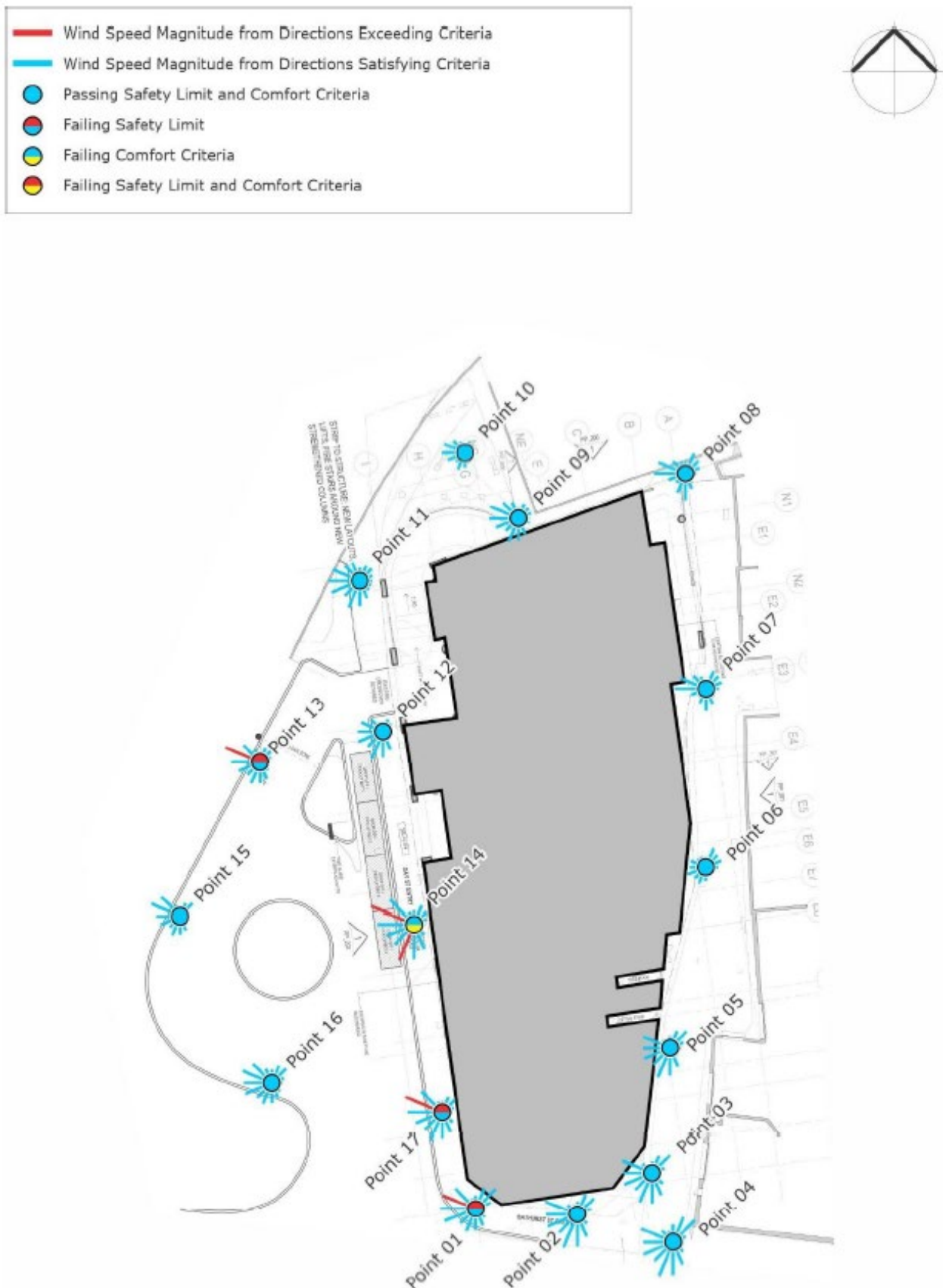


Figure 26. Wind tunnel test results of existing building further from site (red lines indicating points of exceedance and associated wind direction)

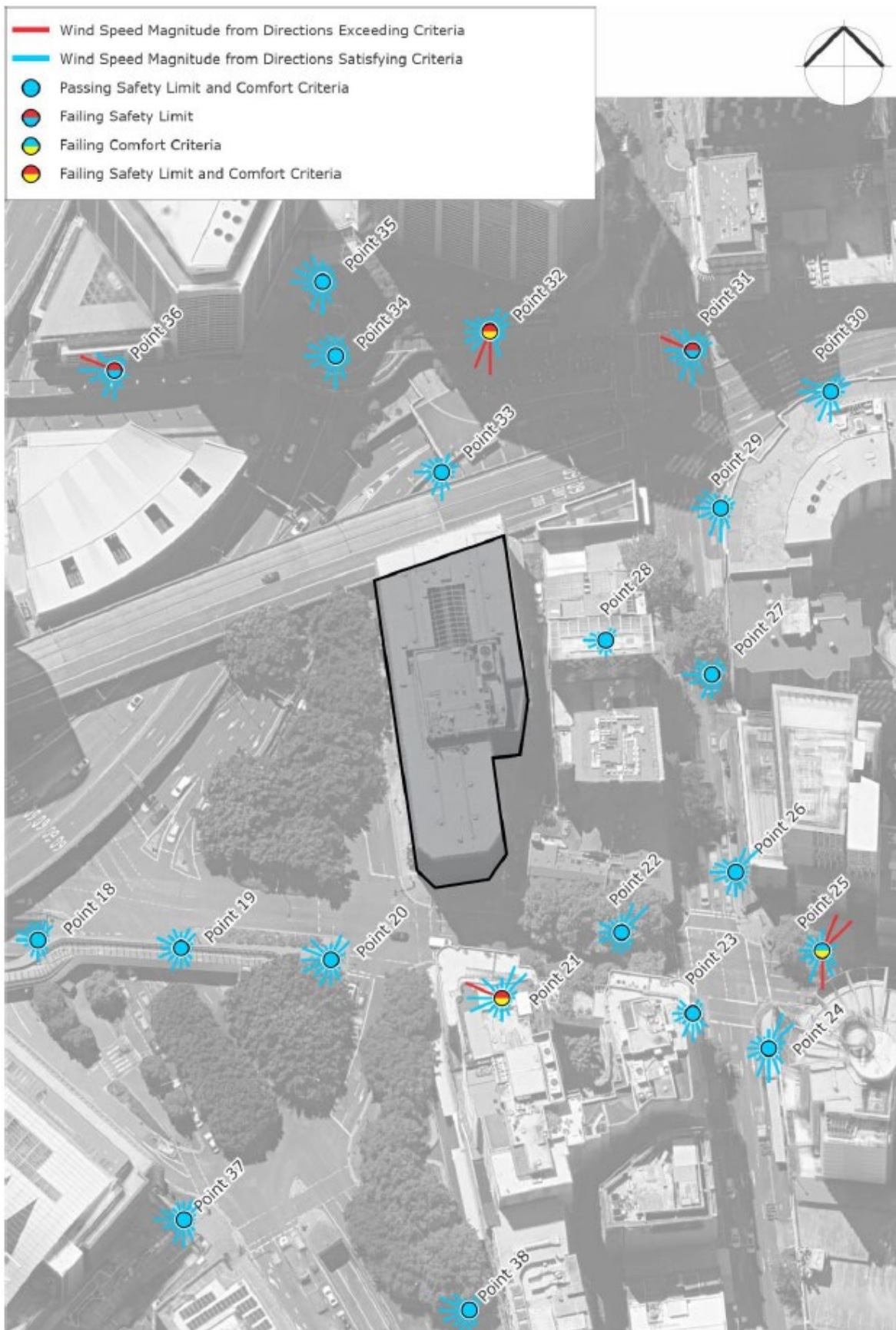


Figure 27. Wind tunnel test results of proposed building envelope close to site (red lines indicating points of exceedance and associated wind direction)

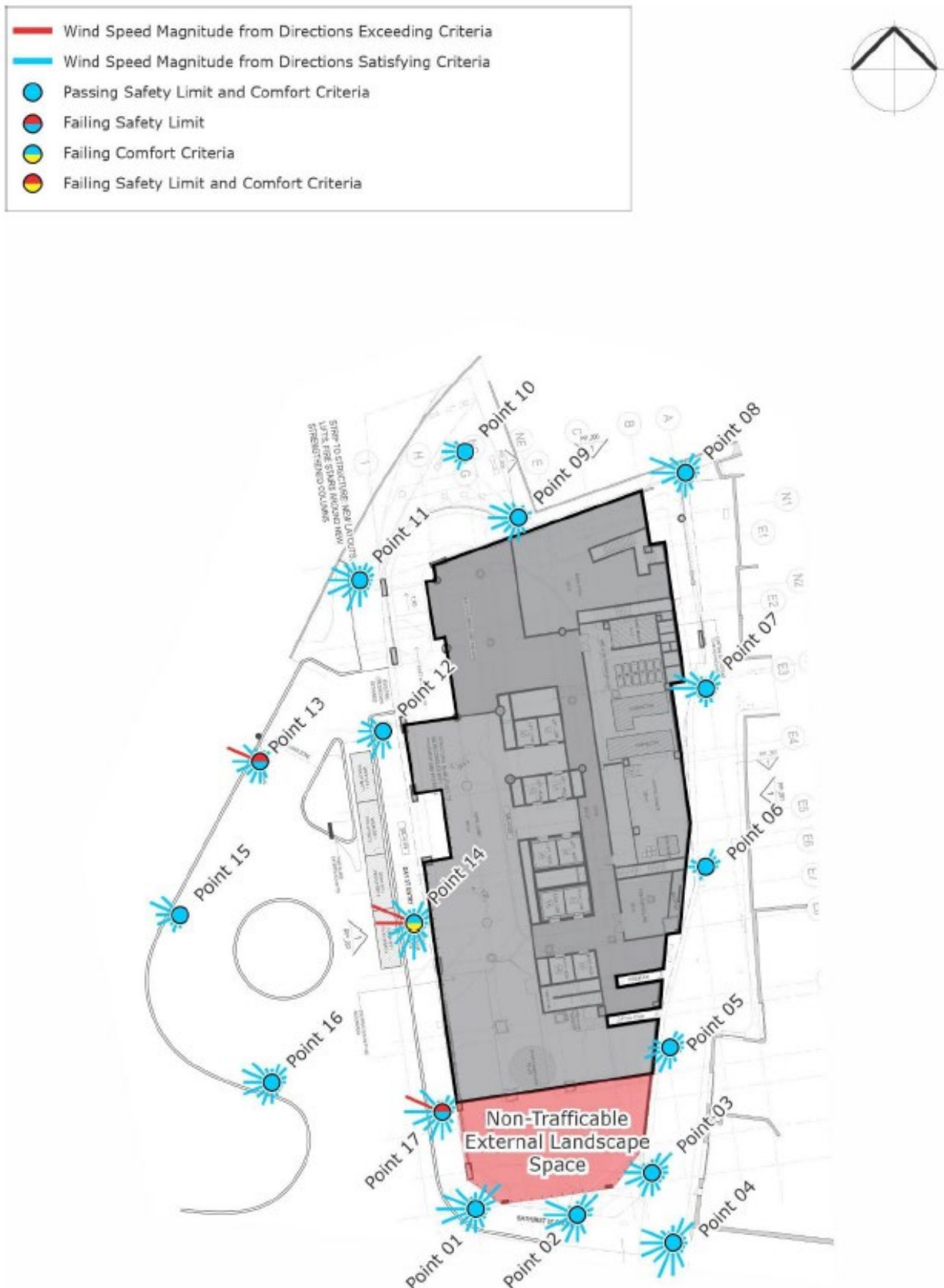
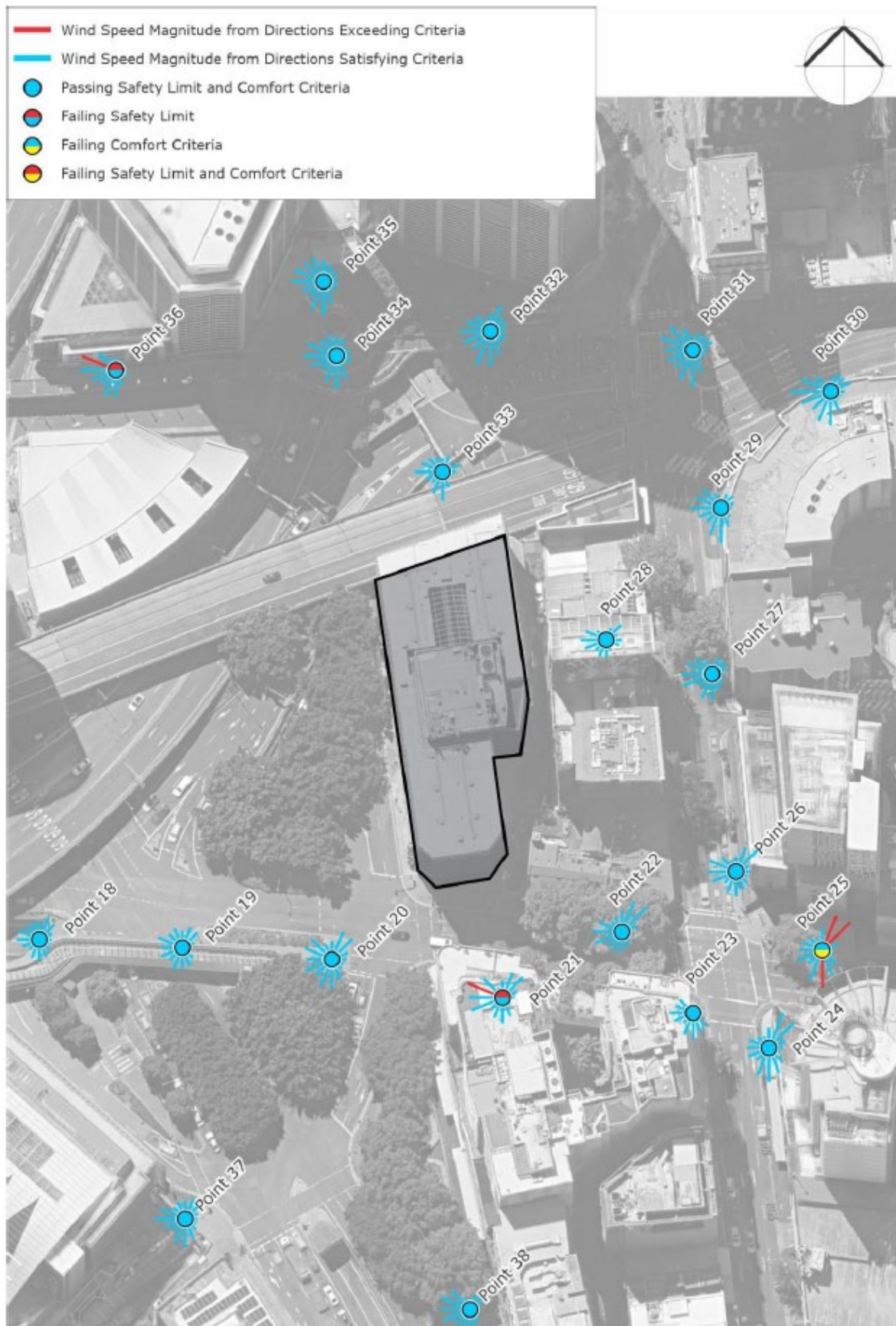


Figure 28. Wind tunnel test results of proposed building envelope further from site (red lines indicating points of exceedance and associated wind direction)



Overshadowing

The proposal impacts on residential buildings located to the south and east of the site on Bathurst and Sussex Streets.

Figure 29. Aerial view of buildings analysed for overshadowing impact, subject site in yellow and number of stories in red



The following buildings were analysed for potential overshadowing impact, as indicated on Figure 29 above:

1. Jade Apartments, 267 Sussex Street
2. Kaz Tower, 273-279 Sussex Street
3. Millennium Towers, 289-295 Sussex Street
4. Maestri Towers, 298 Sussex Street
5. Crowne Plaza, 58 Bathurst Street.

With regard to Jade Apartments at 267 Sussex Street, due to the northern orientation of all living spaces, 20 out of 21 apartments in the building currently enjoy more than 2 hours of direct sunlight access at midwinter. There is no change to this as a result of the proposed increase in building height at 150 Day Street. Crowne Plaza was found to not be impacted by the proposal between the hours of 9am and 3pm at midwinter and there is no change to the number of apartments receiving more than 2 hours of direct sunlight at midwinter.

Kaz Tower at 273-279 Sussex Street is a 14-storey residential building of 38 apartments that is currently non-compliant with the Apartment Design Guide. The proposal increases the number of apartments that currently receive less than 2 hours direct sunlight at midwinter by 2 or 5.6%.

Millennium Towers at 289-295 Sussex Street contains 318 apartments over 20 floors. The building is currently non-compliant with the Apartment Design Guide with only 37% of apartments (118) currently receiving 2 hours of direct sunlight at midwinter. The proposal increases the number of apartments that receive less than 2 hours of direct sunlight at midwinter by 12 or 3.7%. Maestri

Towers at 298 Sussex Street contains 284 apartments over 26 floors. The building is currently non-compliant with the Apartment Design Guide with only 29% of apartments (83) currently receiving 2 hours of direct sunlight at midwinter. The proposal increases the number of apartments that receive less than 2 hours of direct sunlight at midwinter by 6 or 2.1%.

Millennium Towers at 289-295 Sussex Street was originally approved in 1995 and Maestri Towers at 298 Sussex Street was originally approved in 1997. Both buildings were approved before the implementation of the current Sydney DCP and the Apartment Design Guide, and were not designed nor oriented to maximise direct sun access to living spaces at midwinter as current planning controls require. As a result, any increase to building height at 150 Day Street would increase overshadowing at midwinter to these residential properties. This means that no additional development for commercial activity can take place at 150 Day Street, without accepting overshadowing impacts in this Central Sydney location, which is contrary to the objectives and directions of the regional, district and local plans and strategies outlined in section 5.3 of this report. In particular, Action 28.2 of the Central Sydney Planning Strategy to “ensure residential development does not restrict new commercial development” and Objective (e) of section 5.1.2 of the Sydney DCP to “ensure existing residential accommodation and serviced apartment developments do not unreasonably impede the development of commercial and other employment related floor space”.

It should be noted that, at the time of approval and construction of Millennium and Maestri Towers, the applicable development control in the Central Sydney Development Control Plan 1996 stated that “where possible, sun access should be for a minimum of two hours per day on the equinox (March 21) measured on the main window of the rooms or at the front edge of the open space”. If the proposal were to be assessed according to the control in place at the time of the buildings’ original design and construction, the proposal would cause no change to the number of apartments receiving 2 hours of direct sunlight on the equinox.

Based on the detailed solar access assessment and considerations of the objectives and directions of the regional, district and local plans and strategies, this proposal is considered suitable to progress. **44 submissions were received which raised concerns regarding overshadowing, and these issues are discussed in the Summary of Submissions at Attachment D to the council report, through the process for consultation.**

Views

~~The proponent has prepared a View Sharing Analysis, at Attachment A10, which analysed the surrounding visual context and potential visual catchment of the proposal. The analysis found that none of the views to be affected include icons, and the views assessed would not be considered as iconic as established in the view sharing planning principle from *Tenacity Consulting v Warringah Council*. Nor were the views affected considered to be scenic or highly valued, with the proposal located in a highly urbanised location which includes development of height and scale similar to the proposal.~~

~~As stated in section 5.1.2(6) of the Sydney DCP, when considering the likely impacts of a development on surrounding developments, any adverse impacts on existing private views are considered reasonable where compliance with street frontage height, street setback and outlook field provisions are achieved. This planning proposal proposes an alternative maximum building envelope with variations to these provisions, however the View Sharing Analysis demonstrates how the impact on private views would be largely the same with a DCP-compliant maximum building envelope. As a result, these impacts on existing private views are considered reasonable.~~

This planning proposal acknowledges an impact on views, as demonstrated in the View Sharing Analysis at Attachment A10. Referring to the view sharing planning principles established by *Tenacity Consulting v Warringah Council*, while none of the views were identified as ‘iconic’, the total loss of partial water views of Cockle Bay and the partial loss of whole views of Tumbalong Park to the west were assessed as having moderate to severe

impact. These views are currently obtained from front boundaries and from living spaces, accentuating the level of impact.

The fourth step of the Tenacity planning principle is to assess the reasonableness of the proposal causing the impact. This planning proposal would increase the height of buildings control applying to the site from 45m to RL 87.7m. This height is consistent with the surrounding context. The building height control to the east of Sussex Street is 110m, with 298 Sussex Street measuring RL 97.9m and 58-60 Bathurst Street measuring RL 91.3m, both higher than this proposal. The Darling Park commercial buildings to the north of the site reach between RL 95.9m and RL 132.2m. Millennium Towers at 289-295 Sussex Street is RL 74.5m, which exceeds the planning control on the site of 50m.

The Tenacity planning principle requires an assessment of whether a more skilful design could provide the applicant with the same development potential and amenity while reducing the impact on the views of neighbours. Because of the location and orientation of the site, any increase in height will result in impacts to the views currently enjoyed by properties on Sussex and Bathurst Streets. The maximum height possible on the site has already been reduced by the application of the no additional overshadowing protection to Sydney Square, Town Hall Steps and future Town Hall Square, which means that the maximum height of RL 87.7m does not apply across the whole site. Along the northern boundary, the maximum height of the building envelope is reduced to RL 66.9m. Due to the narrowness of the site, imposing setbacks above street frontage height to reduce massing are incompatible with the need for a viable floorplate.

The site in question is strategically located between the major tourism infrastructure of Darling Harbour, the transport infrastructure of Town Hall, and the commercial and retail centres of the CBD. As established in section 5.3 of the Planning Proposal at Attachment A, the proposed development is consistent with the strategic direction established by the Central Sydney Planning Strategy and the City's Economic Development Strategy. In particular, the Central Sydney Planning Strategy seeks to prioritise employment growth and increased capacity in Central Sydney. The Economic Development Strategy encourages the growth of the tourism sector and precincts with strong sector specialisations. Therefore, the proposed land use is appropriate for the location.

The views currently enjoyed by neighbouring properties on Sussex and Bathurst Streets are uncharacteristic of their CBD location. To inhibit the development potential of 150 Day Street to protect these private views is unsustainable considering the strategic importance of the land and its ability to contribute to economic growth and job creation in Central Sydney. With consideration of the proposed building height and its context, the site restrictions that prevent a different design from achieving the same development potential while reducing impact on views for neighbours, and the clear strategic direction of the Central Sydney Planning Strategy and Economic Development Strategy, the view loss is considered reasonable.

Flooding

The proponent has prepared a Flood Impact and Risk Assessment, provided at Attachment A12, which provided an updated flood model following a site inspection and detailed topographical survey. This assessment found the entrances to the lobby, basement and loading dock in the existing building vulnerable to flood water in both 1% AEP and PMF events.

Table 3. Flood planning levels compliance

Location	Existing floor level (AHD)	1% AEP flood level (AHD)	Probable Maximum Flood (PMF) level (AHD)
Sands Street loading dock entrance	4.27m	4.58m	5.41m
Day Street lobby entrance	4.40m	<50mm deep	4.64m
Day Street basement entrance	3.70m	3.78m	4.64m

The entrance to the Sands Street loading dock is located at a trapped low point, where overland flow approaches this area from Sussex Street and begins to pond when the flow exceeds the capacity of the stormwater pits and pipe network. The Flood Impact and Risk Assessment (FIRA) also demonstrates that the loading dock flood level is 80mm below the 20% AEP flood level, which is a 1-in-5 year event. A review of the architectural constraints of the loading dock demonstrates that:

- moving the loading dock is not consistent with the adaptive reuse and building retention approach of the proposal
- raising the loading dock floor level is not possible due to the limited space and need to maintain gradient compliance with the road level of Sands Street
- raising the Sands Street low point is not possible due to existing adjacent properties and loading dock entrances.

As a result, it is proposed that the loading dock is protected from flooding using flood barriers in the form of automated roller shutter doors, which can be fully automated and have their own independent power supply. Considering the above average use of these flood barriers due to the existing floor level below the 20% AEP level, their use will be incorporated into the delivery servicing plan required in the site-specific DCP, attached to this document at Attachment B. However, it should be noted that the impact of any flooding to the loading dock should have no impact on the rest of the building as internal floor levels connecting the loading dock to the ground floor lobby or basement are above the PMF level. In addition, opportunities to explore upgrades to the stormwater pits and pipe network can occur as part of any future detailed design stage and development application.

The pedestrian lobby entrance off Day Street has a finished floor level of 4.4 metres, which is within 50mm of the expected level of a 1% AEP (1-in-100 year) flood event and 24cm below the PMF level. The proponent has argued that to raise the finished floor level above the PMF is not feasible, due to the need to remain flush with the footpath level for compliance with the Disability Discrimination Act 1992. They have proposed the use of a flood gate, which is raised by the hydraulic pressure of flood water itself and does not require human intervention for its operation.

Similarly the vehicle entrance to the basement off Day Street is located below the 1% AEP and PMF levels, and the proponent argues for the use of flood gates considering the need for the entrance to the basement to be flush with the existing road and the lack of internal space or headroom for the existing ramp to the raised or lengthened to provide a crest above the flood levels.

The building retention and adaptive reuse approach of this proposal limits the options available to respond to existing flood conditions. However, the fact that no changes to the ground plane are being proposed means that no change or worsening to the flood conditions will take place as a

result of this proposal. The refurbishment of the existing building provides opportunity for substantial improvement in flood resistance while attaining the environmental benefits of reusing the structure versus demolition. Mitigation measures include flood-proof doors and windows, flood-resistant materials at ground level, reconfiguration of fire stairs to enable safe egress during flood events, and the installation of flood gates.

The use of flood gates is generally discouraged in the City. However the upcoming changes to water and flood management outlined in the draft policy and housekeeping amendments to the Sydney DCP endorsed by Council in June 2025 provide provision for their use where all other passive structural flood mitigation options have been explored and documented, and the council is satisfied that none of the options can be implemented. **A new DCP section 'Design to reduce risk and hazard' has been introduced which requires a Plan of Management providing comprehensive details about any flood control devices and their ongoing operation. The FIRA submitted as part of any future DA will need to demonstrate compliance with the amended Sydney DCP and include a Plan of Management to be approved concurrently with the DA.**

Following feedback from the NSW State Emergency Service, the site specific DCP (at Attachment B to the council report) has been amended to include a requirement for the FIRA at DA stage to include consideration of over-floor flooding risks and a sensitivity test to understand potential risks in the case of failure of any flood control devices.

The FIRA submitted as part of any future DA will also need to respond to the NSW Climate Change and Natural Hazards State Environmental Planning Policy and Climate Change Scenario Guidelines which are expected to be finalised later in 2026. More details on feedback received from SES and the Department of Climate Change, Energy, the Environment and Water, and the City's response, can be found in the Summary of Submissions at Attachment D to the council report.

The design excellence process following the making of the amendment to the Sydney LEP offers an opportunity for their use to be re-examined, and any future development application will need to demonstrate compliance with the Sydney DCP as well as relevant state government instruments and directions.

Transport

The Transport Impact Assessment, prepared by the proponent and at Attachment A11, assesses traffic generation, parking and loading and servicing requirements for the site. It finds that the proposal will generate an additional 23 vehicle trips per hour during the morning peak period, and an additional 13 vehicle trips per hour during the evening peak period. This level of traffic generation is acceptable, considering that the Day Street/Bathurst Street intersection currently experiences excellent operating conditions with substantial spare capacity.

An addendum to the Transport Impact Assessment has been prepared and is at Attachment A27, containing a queueing analysis which assesses the capacity of the hotel drop-off bays in Day Street if the porte cochere were to be removed as proposed in the reference design. The analysis finds that, under the typical hotel drop-off operation assuming a 2-minute service time, all forecast vehicles can be accommodated within the four proposed drop-off bays, with no queueing expected. A further assessment was undertaken using a conservative 5-minute service time to represent a worst-case scenario where all 45 forecast hotel drop-off vehicles arrive during the AM peak hour and occupy a drop-off bay for 5 minutes. Under this scenario, the proposed drop-off bays are expected to be fully occupied, with up to two vehicles queueing at the 95% confidence level. The analysis also demonstrates that there is sufficient overflow space on Day Street and for additional vehicles to queue without impacting the Day Street/Bathurst Street intersection.

Due to the retention of the existing structure, no substantial changes are proposed for the basement space and existing car parking arrangements. The reference design proposes 26 car parking spaces, which is well below the maximum 112 allowable under the Sydney LEP. The basement parking for the hotel is currently valet-operated with no access to the general public, and

this arrangement is proposed to continue following the redevelopment of the site. End of trip facilities will also be provided in accordance with the Sydney DCP.

Due to the retention of the existing structure, the loading dock currently accessed off Sands Street cannot be expanded. It currently features 3 SRV spaces and 2 B99 (van/ute) spaces. This is below the 7 spaces required by the Sydney DCP, however it is in alignment with the Transport for NSW Urban Freight Forecaster tool which suggests a total of 3 service vehicle bays. This is considered acceptable provided that vehicle access is managed under a Delivery Servicing Plan, which will be required as part of the site-specific DCP at Attachment B. It should be noted that no service vehicle bays are proposed within the basement due to a head height constraint of 2.3 metres.

Site specific Development Control Plan

A site specific Development Control Plan (DCP) will be exhibited alongside this planning proposal. It includes:

- objectives and provisions for a high quality built form including substantial retention of the existing structure, causing no additional overshadowing of Town Hall Steps, future Town Hall Square and Sydney Square, and resulting in a comfortable and safe wind environment in adjacent public places;
- dimensions of a maximum building envelope;
- sustainability targets above standard requirements for hotels in Central Sydney;
- requirements for the preparation of **an embodied carbon emissions integrated report, landscape plan, delivery servicing plan, and detailed environmental site assessment as part of any future development application**; and
- a design excellence strategy.

These provisions are to apply in addition to the standard provisions of the Sydney DCP.

Has the planning proposal adequately addressed any social and economic effects?

Economic impact

This planning proposal provides an opportunity for the redevelopment of the subject site to provide in total more than 30,000 square metres of tourist and visitor accommodation floor space – approximately 490-540 hotel rooms over 22 storeys. This represents an increase on the current capacity by 150-200 rooms and 13,000 square metres of gross floor area. The intensification of commercial activity in Central Sydney and increase in tourist and visitor accommodation in close proximity to major tourism and transport infrastructure is in alignment with the key moves of the Central Sydney Planning Strategy, and the priorities of the relevant regional, district and local plans and strategies. It is also in alignment with the NSW Government's *Visitor Economy Strategy 2030 Review*, which set objectives to increase the NSW visitor economy to \$91 billion a year, including increasing hotel room supply by 40,000 statewide.

The proponent has prepared an Economic Impact Assessment, which is attached to this document at Attachment A6. This assessment concludes that the development has the potential to generate 313 full-time jobs during construction and additional 84 full-time jobs on site following completion. It considers the extra 150-200 hotel rooms to be desirable in a Sydney market that is consistently supply-constrained following a surge in international and domestic visitation post-Covid and is in line with visitor demand projections. According to Tourism Research Australia's September 2024 data for average domestic expenditure per trip per night, the expansion in tourist and visitor accommodation floor space on this site could inject approximately \$31.8 million into Sydney's tourism economy.

Heritage

The site is not heritage listed nor located in a Special Character Area or Heritage Conservation Area. The site is located adjacent to a locally-listed heritage item, *Former warehouse 'The Vintage*

Building' (1964), which is directly across Sands Street to the east. A Statement of Heritage Impact prepared by the proponent is at Attachment A13.

The statement concludes that while the proposed height increase will result in some minor visual impact on "The Vintage Building", the existing PARKROYAL Darling Harbour already serves as a dominant backdrop to the heritage item and the retention of the existing structure means that the current interface, podium form and alignment will be unchanged and views towards "The Vintage Building" will remain unaffected.

5.5 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located in Central Sydney, with numerous public transport options in close proximity. The site is within walking distance of public spaces and major tourism facilities in Darling Harbour, Chinatown, Town Hall and so on.

The site is already serviced by public utilities including water, sewer and stormwater, gas, electricity and telecommunications. No upgrades are expected to be necessary for water, sewer and gas connections, and the relevant utilities will be contacted for comment during the exhibition period.

The Infrastructure Report prepared by the proponent and at Attachment A16, assumes that, with regard to electricity, existing surrounding substations do not have the electrical capacity for the development and proposes that the development will be supplied via a dedicated Ausgrid triplex substation arrangement located on ground level, in the north-east corner of the site. The planning proposal will be referred to Ausgrid for comment during the public exhibition period.

Any development application on the site will be subject to section 7.12 development contributions as outlined in the Central Sydney Development Contributions Plan 2020.

5.6 State and Commonwealth interests

What are the views of the state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

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

The Gateway determination received on 27 January 2026 required consultation with Department of Climate Change, Energy, the Environment and Water (DCCEEW), Transport for NSW (TfNSW), Ausgrid, Sydney Water, and the NSW State Emergency Service (SES). Comments were received from all of these agencies as well as Placemaking NSW, as the major landowner in Darling Harbour. Details on the advice received and the City's response can be found the Summary of Submissions at Attachment D to the council report.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal document.

7. Community consultation

~~This Planning Proposal is to be exhibited in accordance with a Gateway Determination issued by the Department of Planning, Housing & Infrastructure.~~

~~It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline.~~

~~Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Engagement Strategy and Participation Plan.~~

~~Consultation with Transport for NSW, Department of Climate Change, Energy, the Environment and Water, Sydney Water, State Emergency Service, Ausgrid, and other relevant NSW agencies, authorities and organisations will be undertaken in accordance with the Gateway Determination.~~

The Planning Proposal was exhibited in accordance with the Gateway Determination issued by the Department of Planning, Housing & Infrastructure, at Attachment F.

The consultation period ran from 18 March to 20 April 2026, consistent with the Gateway Determination and the City's Community Engagement Strategy and Participation Plan.

Consultation with the Ausgrid, Department of Climate Change, Energy, the Environment and Water, NSW State Emergency Service, Placemaking NSW, Sydney Water and Transport for NSW was undertaken as required by the Gateway Determination.

1,007 letters were sent to neighbouring property owners and occupiers, and a webpage and survey created for people to review the planning proposal and supporting documentation and provide their feedback.

Details of the exhibition and feedback received from community members and government agencies are available in the Summary of Submissions at Attachment D to the council report.

8. Project timeline

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

Stage	Timeframe
Commencement / Gateway Determination	October 2025 <u>27 January 2026</u>
Government agency consultation	November to December 2025 <u>March to April 2026</u>
Public exhibition	November to December 2025 <u>March to April 2026</u>
Consideration of submissions	January to February 2026 <u>April 2026 to June 2026</u>
Post exhibition consideration of proposal	March to May 2026 <u>July to August 2026</u>
Draft and finalise LEP	June 2026
LEP made	July 2026
Plan forwarded to the Department of Planning, Housing & Infrastructure	July 2026
<u>Plan forwarded to the Department of Planning, Housing & Infrastructure for drafting and finalisation</u>	<u>August 2026</u>

Appendix 1

Example clauses

The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as follows:

Part 6 Local provisions – height and floor space

Division 5 Site specific provisions

6.XX 150 Day Street, Sydney

(1) The provisions of the clause are to provide additional building height and floor space to encourage:

- (a) tourist and visitor accommodation land uses
- (b) the substantial retention of existing structure on the land.

(2) This clause applies to 150 Day Street, Sydney, being Lot 20 DP 1046870.

(3) The maximum height for a building on the land to which this clause applies is RL 87.7 metres.

(4) A building on land to which this clause applies may have a floor space ratio of up to the ratio of the sum of the following to the site area-

(a) the gross floor area permitted as a result of applying the floor space ratio shown for the land on the Floor Space Ratio Map

(b) the gross floor area resulting from applying a floor space ratio of ~~2.97:1~~ **3.27:1**

(c) any accommodation floor space for which the building is eligible under clause 6.4

~~(d) any end of journey floor space for which the building is eligible under clause 6.6~~

~~(e)~~ **(d)** if the building is a building demonstrating design excellence – the gross floor area, determined by the consent authority, of up to 10% of the sum of the amounts specified in paragraphs (a)-~~(c)~~~~(d)~~.

(5) The total floor space ratio calculated under subclause (4) must not exceed 13.5:1.

(6) Subclauses (3), (4), and (5) do not apply unless the consent authority is satisfied-

(a) the development will not result in a building used for the purposes of residential accommodation or serviced apartments, and

(b) the development features the substantial retention of the existing structure, including columns, beams and slabs.

(7) Clause 6.6 does not apply in relation to development carried out under this clause.

~~(7)~~ **(8)** Clause 6.21D(3)(a) does not apply in relation to development carried out under this clause.

~~(8)~~ **(9)** To avoid doubt, clause 6.18 prevails over this clause to the extent of any inconsistency.

