

Attachment A13

Statement of heritage impact

STATEMENT OF HERITAGE IMPACT



Planning Proposal
No. 150 Day Street, Sydney

March 2025 | J7101_01

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0 EXECUTIVE SUMMARY

The planning proposal for the existing Park Royal Hotel at 150 Day Street, Sydney (the site), involves an ambitious upgrade and expansion of the existing hotel. This project aims to enhance the existing hotel offering while introducing a new, distinct hotel experience above the current structure, enabling the coexistence of the existing Park Royal and a new Pan Pacific Hotel on the same site. Strategically positioned at the edge of the City of Sydney, the development reinforces the city's entry into Darling Harbour by maintaining and emphasising the city wall characteristic of this prominent location.

The project is defined by 3 key principles – maximising adaptive reuse (setting a benchmark for future developments in Sydney), energising the Sydney visitor economy, and significantly enhancing the greening of both the public realm and the skyline, in alignment with the City of Sydney's sustainability goals. Achieving this vision involves an expansion of the existing core and egress upgrades to service new floors over the existing hotel, the employment of a 'strip to structure' approach from the ground to Level 02, and a full upgrade of all existing building services. This initiative not only seeks to create a modernised hotel destination but also sets a precedent for sustainable urban redevelopment.

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 (the LEP) by inserting a new site-specific clause for the subject site under Part 6 Division 5 Site specific provisions to:

- allow a maximum building height of 85 metres,
- permit a maximum floor space ratio of 13.2:1 for hotel and associated land uses,
- restrict use to employment/hotel use and not residential accommodation or serviced apartments.

The Planning Proposal is supported by a site-specific Development Control Plan (DCP) and reference design scheme, prepared by Hassell. Key elements of the site specific DCP and reference design include:

- Retention and adaptive redevelopment of existing 11 storey hotel and 2 levels of basement and new 11 storey extension (including transfer level plus plant) of new hotel space resulting:
 - o Two hotel brand offerings – Park Royal Hotel (3.5 star) and Pan Pacific Hotel (5 star)
 - o 490-540 hotel keys with gross floor area of ~30,000m²
 - o Upgrade existing infrastructure and services (including new lift core),
 - o New and upgraded hotel facilities (including lobby, dining areas, meeting rooms, ball room, gymnasium, bar and restaurants, and pool.
 - o Removal existing exit ramp resulting in single vehicle entry/exit ramp from Day Street to be used by valet only.
- Ground floor public domain, public art and landscaping design, and
- Significant greening and landscaping of western façade.

It is also supported by a Letter of Offer to enter into a Voluntary Planning Agreement (VPA) with Council to cater for the increased infrastructure demand generated by the proposed uplift.

The site is located within City of Sydney Council Local Government area. The principal environmental planning instrument for the site is the *Sydney Local Environmental Plan 2012 (LEP 2012)*. The site is not listed as a heritage item nor located in a Conservation Area as identified by Schedule 5, Parts 1 and 2 of the *LEP 2012*. The site is, however, located in

the vicinity of heritage items listed by this Schedule 5 Part 1 of the LEP, including *Former warehouse 'The Vintage Building'* (1964) which is directly opposite the site across Sands Street. The site is also further removed from other heritage items as well as items listed on the State Heritage Register under the *NSW Heritage Act 1977*.

The proposed changes to the planning controls will have some visual impact on "The Vintage Building." However, the existing Park Royal Hotel already serves as a dominant backdrop to this heritage item. At Sands Street, the current interface features a vertical wall exceeding the height of the three and part four-storey heritage structure. Such relationships are common in the CBD, where heritage items are often located next to much taller modern buildings.

The proposed height increase will result in the new tower being more prominent in the background of "The Vintage Building" compared to the current structure. However, the additional height will have only a minor visual impact due to the prominence of the existing hotel, as illustrated in Section 3.1. The existing podium's alignment and height will remain unchanged, with the additional height limited to the upper portion of the building. 3D images produced by Hassell highlight that, while the future building will be taller, the views towards "The Vintage Building" will remain largely unaffected, as the podium form and alignment are preserved.

The potential future uplift on site made feasible by the change to the height controls will enable the construction of a larger tower on site that will be visible from several heritage items in the vicinity. These items including the Pyrmont Bridge, Chinese Friendship Garden and St Andrews Cathedral (during winter months). These items are already within a distinctly urban, commercial area. Given the scale of the proposed development in the immediate vicinity the new tower will read as one of many contemporary towers that form the CBD skyline. The indicative building envelope has been designed to slot neatly into the CBD skyline which will form the backdrop to these items.

The buildings on site are not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement.

The concept design by Hassell successfully establishes a future built form that achieves a cohesive architectural connection with the surrounding heritage context. It ensures the preservation of the historical character and setting of nearby items while accommodating modern development. The Planning Proposal aligns with the Council's vision for a vibrant and dynamic city centre, enhancing connectivity and activation at the CBD edges adjoining Darling Harbour.

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Cover Image: The site from the intersection of Day Street and Bathurst Street.
Weir Phillips Heritage.

We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and future and all Aboriginal people.

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1 INTRODUCTION

1.1 Preamble

The planning proposal for the existing Park Royal Hotel at 150 Day Street, Sydney (the site), involves an ambitious upgrade and expansion of the existing hotel. This project aims to enhance the existing hotel offering while introducing a new, distinct hotel experience above the current structure, enabling the coexistence of the existing Park Royal and a new Pan Pacific Hotel on the same site. Strategically positioned at the edge of the City of Sydney, the development reinforces the city's entry into Darling Harbour by maintaining and emphasising the city wall characteristic of this prominent location.

The project is defined by 3 key principles – maximising adaptive reuse (setting a benchmark for future developments in Sydney), energising the Sydney visitor economy, and significantly enhancing the greening of both the public realm and the skyline, in alignment with the City of Sydney's sustainability goals. Achieving this vision involves an expansion of the existing core and egress upgrades to service new floors over the existing hotel, the employment of a 'strip to structure' approach from the ground to Level 02, and a full upgrade of all existing building services. This initiative not only seeks to create a modernised hotel destination but also sets a precedent for sustainable urban redevelopment.

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 (the LEP) by inserting a new site-specific clause for the subject site under Part 6 Division 5 Site specific provisions to:

- allow a maximum building height of 85 metres,
- permit a maximum floor space ratio of 13.2:1 for hotel and associated land uses,
- restrict use to employment/hotel use and not residential accommodation or serviced apartments.

The Planning Proposal is supported by a site-specific Development Control Plan (DCP) and reference design scheme, prepared by Hassell. Key elements of the site specific DCP and reference design include:

- Retention and adaptive redevelopment of existing 11 storey hotel and 2 levels of basement and new 11 storey extension (including transfer level plus plant) of new hotel space resulting:
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- Ground floor public domain, public art and landscaping design, and
- Significant greening and landscaping of western façade.

It is also supported by a Letter of Offer to enter into a Voluntary Planning Agreement (VPA) with Council to cater for the increased infrastructure demand generated by the proposed uplift.

The site is located within City of Sydney Council Local Government area. The principal environmental planning instrument for the site is the *Sydney Local Environmental Plan*

2012 (LEP 2012). The site is not listed as a heritage item nor located in a Conservation Area as identified by Schedule 5, Parts 1 and 2 of the LEP 2012. The site is, however, located in the vicinity of heritage items listed by this Schedule 5 Part 1 of the LEP, including *Former warehouse 'The Vintage Building'* (1964) which is directly opposite the site across Sands Street. The site is also further removed from other heritage items as well as items listed on the State Heritage Register under the *NSW Heritage Act 1977*.

Under Part 5.10 of the LEP 2012:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph

(a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

In order to assess the potential impacts of the proposed changes to the planning controls on heritage items, a heritage management document must be submitted with the Planning Proposal. The appropriate heritage management document, in this instance, is a SoHI; and this document is submitted in satisfaction of this requirement.

This statement has been prepared at the request of the owner of the site, UOL Group Limited, and accompanies plans prepared by Hassell.

1.2 Methodology

A site visit was carried out in January 2025. Unless otherwise stated, all photographs of the site were taken by the authors at this time.

This assessment has been prepared with reference to the *NSW Heritage Manual* update *Statements of Heritage Impact* (2023) and with reference to the Council planning controls listed under Section 7.2.

1.3 Limitations

An assessment of significance to Heritage NSW standards were not provided with regards to the site given it has no statutory heritage listings. An assessment of archaeological potential and archaeological significance, Aboriginal or historical, is outside the scope of this SoHI.

2 SITE DESCRIPTION

2.1 Site Location

The site at No. 150 Day Street, Sydney, legally described as Lot 20 DP1046870, is located within the City of Sydney local government area (LGA) with a site area of approximately 2,250m². It is currently occupied by a 11-storey hotel building known as the PARK ROYAL Darling Harbour Hotel.

It has street frontages to Day Street, Bathurst Street and Sands Street. The site also abuts the Western Distributor to the north. The site is located 350m west of Town Hall Station and 240m south-east of Darling. Park. Refer to Figure 1.



Figure 1: Site location. The subject site is outlined in red.

SIX Maps, 2024; overlay by WPH



Figure 2: An aerial photograph over the site and the surrounding area.
Nearmap 2025; annotations by WPH

2.1.1 150 Day Street

The site at 150 Day Street, Sydney is an eleven (11) storey with two (2) level basement hotel building constructed c.1989. The hotel is built to the lot boundaries with a three-story podium and tower set back above at Bathurst Street. The primary pedestrian access to the hotel is via a Porte Cochere access via Day Street. The site has a secondary service access via Sands Street. There is a disused corner entry and portico at the intersection of Bathurst and Sands Street.

No part of the site is heritage listed.

See Figure 3 to Figure 7.



Figure 3: Looking north east towards the site from the Harbour Street and Bathurst Street intersection. The red arrow indicates the adjoining heritage item.



Figure 4: View of the southern Bathurst Street elevation of the site.



Figure 5: The Sands Street laneway which forms the eastern boundary of the site. The Vintage Building is on the left (east) of this image.



Figure 6: The site as viewed from the intersection of Sussex and Druitt Streets.



Figure 7: View from the Darling Harbour pedestrian link looking southeast towards the item.

2.2 The Surrounding Area

The site is located at the south western edge of the Sydney Central Business District within a diverse and dense mix of retail, commercial and residential buildings of varying height and architectural styles. Figure 8 illustrates the immediate surrounding area.

The site overlooks Darling Harbour, and Tumbalong Park. The immediate setting to the northwest of the site is dominated by the Western Distributor and approaches. The three Darling Park Towers are located to the north of the site on the opposite side of Druitt Street. These are the tallest buildings in the immediate area. See Figure 9 to Figure 12.

To the south of the site is the Millenium Towers (built 1998) which are a mixed used, largely residential tower of twenty-two stories. This building is also built to the property boundaries and has a similar materiality to the subject site.

To the east of the site are several buildings of differing scale and uses. The rears of these buildings share Sands Lane service laneway with the subject site. The closest heritage listed site is the Former warehouse "The Vintage Building" (1964) is a four-storey structure featuring polychrome face brick, timber-framed windows, and a corrugated steel roof, with facades fronting both Bathurst, Sussex and Sands Streets. Much of the original internal structure remains intact, serving as permanent formwork for new concrete slab floors. The building's interior has undergone significant modifications, including extensive partitioning. To the north of the heritage item at 275 Sussex Street is a mixed use fourteen (14) storey tower which was completed in 2016.

To the west of the site is the Western Distributor expressway which is dominated by the new “Ribbon” building which was completed in 2022. To the south west is Tumbalong Park and the Chinese Friendship Garden.



Figure 8: Location Plan of the site in the wider area.

NearMap 2024; annotations by WPH



Figure 9: View towards the site from the Darling Harbour Pedestrian Overpass. This shows the scale of the surrounding buildings.



Figure 10: Looking towards the site from Sussex Street. The heritage listed warehouse is visible in the foreground.



Figure 11: The W Hotel (the Ribbon Building) to the north of the site.



Figure 12: View towards the site from the intersection of Sussex Street and Druitt Street outside the Darling Harbour towers.

3 SIGNIFICANCE

3.1 Summary of Statutory Heritage Listings for the Site

For the following, refer to Table 1 which provides a summary of the statutory heritage listings for the site.

Table 1: Summary of statutory heritage listings.

Listing Type	Item Name and Details	Item No
Listed on the State Heritage Register under the <i>Heritage Act 1977</i> (NSW).	N/A	N/A
In the vicinity of items on the State Heritage Register under the <i>Heritage Act 1977</i> (NSW).	Yes. Chinese Garden of Friendship (visible)	SHR No: 02017
Listed as an item of local heritage significance by Schedule 5 Part 1 of the <i>Sydney LEP 2012</i> .	No.	N/A
Located within the vicinity of local heritage items by Schedule 5 Part 1 of the <i>Sydney LEP 2012</i> .	Yes. Former warehouse 'The Vintage Building' Commercial building 'RCA House'	11964 11834
Located within a heritage conservation area by Schedule 5 Part 2 of the <i>Sydney LEP 2012</i> .	No.	N/A
Located within the vicinity of a heritage conservation area by Schedule 5 Part 2 of the <i>Sydney LEP 2012</i> .	No.	N/A

For the following, refer to Figure 13 which provides a detail of a heritage map from the NSW Planning Portal. In this plan, local heritage items are coloured brown and numbered. The site is indicated by the red arrow.



Figure 13: Detail, heritage map showing heritage items in relation to the subject site. The site is indicated by the red arrow.

NSW Planning Portal; overlay by WPH

Local Heritage Items – Coloured brown and numbered

State Heritage Items – Hatched blue and numbered

3.1.1 'The Vintage Building'

The "Vintage Building", originally granted to James Wilshire in 1838, saw its first building constructed sometime between 1882, when it was listed as a timber yard, and 1893, when council records noted it as "built prior to 1894." By 1897, the structure was a four-storey brick and slate flour mill owned by Aitken & Scott, flour millers. Between 1915 and 1922, it housed Mungo Scott Ltd, Millers. In 1923, Bernard Seppelt & Sons, Wine & Spirit Merchants, took over the building, using it as their Sydney office and warehouse until 1974. In 1979, the building was converted into residential apartments, later transitioning to commercial use in the late 1980s.

The NSW State Heritage Inventory provides the following Statement of Significance for the site:

The Vintage is of historical significance as a good example of a simple inner-city warehouse dating from the late nineteenth century. It provides physical evidence of the redevelopment of this part of Sydney with large-scale warehouses during that period.

All significant fabric remains in good to excellent condition. Work in 1980 identified and took care to retain the character of the building.¹

This statement is adopted for the purposes of this assessment.

NSW State Heritage Inventory provides the following description for the site.

The Vintage is a three storey polychrome face brick building with timber windows and a corrugated steel roof, which has facades to Bathurst and Sussex Streets. Internally much of the original structure remains and has been used as permanent formwork for new concrete slab floors. The building has also been extensively partitioned internally.²

This statement is adopted for the purposes of this assessment.

Figure 14 illustrates this item in 1979 showing the lower scale of this section of the CBD by comparison the photograph in Figure 15 taken from a similar position illustrates the much higher density in the immediate context of this item.



Figure 14: View of B Seppelt & Sons, Sussex Street Sydney, 1979 (01/01/1979 - 31/12/1979), [A-00008039]. City of Sydney Archives, accessed 08 Jan 2025, <https://archives.cityofsydney.nsw.gov.au/nodes/view/568684>

The subject site aligns with the western boundary of the item along Sands Street. There is a significant scale disparity between the hotel and the item which is particularly evident from Bathurst Street and Sands Street. The subject, along with the adjoining larger

¹ Heritage NSW (2025) Former Warehouse Including Interiors, State Heritage Inventory No. 2424140. Available at: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424140> (Accessed: 13 January 2025).

² Ibid.

buildings generally dwarf the three storey former warehouse. This is typical of most heritage items in the CBD. The subject site is generally visible in the background of the item from key vantage points at Sussex Streets and at the intersection of Bathurst Street. On approach from the east from George Street the building is less visible behind the item. On approach from the west the subject site forms the boundary to the CBD and is the most dominant element in the view corridor, with the item appearing as secondary from this vantage point.

See Figure 15 to Figure 19.



Figure 15: Looking north west from the intersection of Bathurst and Sussex Streets



Figure 16: View of the site from the opposite site of Sussex Street.



Figure 17: Looking south along Sands Street showing the site (right) and the item (left). This image illustrates the existing zero boundary setback and scale disparity.



Figure 18: View towards Sands Street from Bathurst Street showing the scale disparity between the buildings.



Figure 19: The corner entry of the hotel when operational with heritage item to the right in 1996, [A-00032043]. City of Sydney Archives, accessed 08 Jan 2025, <https://archives.cityofsydney.nsw.gov.au/nodes/view/594250>

3.1.2 Former "Universal Film Manufacturing Co" Warehouse Including Interior and Yard

The NSW State Heritage Inventory provides the following Statement of Significance for the site:

RCA House is located on the corner of Kent Street and Druitt Lane. The three storey facade is designed in the Inter-War Stripped Classical Style. As a building erected for the Universal Film Manufacturing Co by an old-established firm of ironmongers and machinery importers, this building is historically significant for its reflection of the new investment opportunities provided by the emergence of the film industry in Australia. The building is aesthetically significant as an outstanding example of a relatively intact original commercial exterior of high quality design with outstanding potential to continue in its present state. The exterior detailing is of high quality and is particularly noted for its use of coloured reinforced concrete decorative panels with film motifs.³

This statement is adopted for the purposes of this assessment.

This item is located on the next city block to the east of the subject site. See Figure 20. The building has its primary orientation to Kent Street, with a secondary elevation to Druitt Lane. The site is visible looking east down Druitt Lane as a background building element set behind other buildings. See Figure 21



Figure 20: The primary elevation of the item from Kent Street.

³ Heritage NSW (2025) Former "Universal Film Manufacturing Co" Warehouse Including Interior and Yard, State Heritage Inventory No. 2424176, Available at: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424176> (Accessed: 13 January 2025).



Figure 21: View looking west down Druitt Lane towards the subject site where it is part visible behind other buildings.

3.2 Heritage items further removed with distant views towards the site

For the following, in the vicinity has been determined with reference to physical separation, existing and potential view corridors and the nature of the proposed new works.

Place ID	Name and Description	Address	Visual relationship	
National or Commonwealth heritage items, within 200m of the subject site				
LEP no.	SHR no.			
Local and State Heritage items within 100m of subject site				
n/a	02017	Chinese Garden of Friendship	Pier Street, Cnr Harbour St, Darling Harbour	The existing tower it is part visible from the centre of the site above the walls of the Garden. It is visible at a distance with other towers along Harbour Street more prominent. See Figure 24.
n/a	01618	Pymont Bridge	Darling Harbour	The site is visible from the Pymont Bridge to the south east. It appears as part of the

Place ID		Name and Description	Address	Visual relationship
National or Commonwealth heritage items, within 200m of the subject site				
LEP no.	SHR no.			
Local and State Heritage items within 100m of subject site				
				general CBD skyline. See Figure 25.
I1793	01708	St Andrew's Anglican Cathedral and Chapter House	1440 George Street Sydney	Part visible (during winter months) when viewed from outside the site at Bathurst Street looking west. Appears as part of the general cityscape. See Figure 26.

3.1 View Corridors

Due to the position of the site on the western fringe of the Sydney CBD it is visible from several heritage listed vantage points such as the Pyrmont Bridge and from within part of the Chinese Friendship Gardens. Where visible it appears as part of the general high density setting, albeit smaller in scale than many buildings in the immediate vicinity.

See Figure 22 to Figure 26.



Figure 22: An aerial photograph indicating the position of distant heritage items that are visible from the site.



Figure 23: View from Tumbalong Park towards the site. Although not heritage listed is part of the general setting of the item.



Figure 24: View from within the Chinese Friendship Gardens towards the site (indicated by the red arrow)



Figure 25: View from the Pyrmont Bridge looking south west towards the site. The site is indicated by the red arrow.



Figure 26: Looking west down Bathurst Street towards the site. The red arrow indicates the partially visible though trees. During the summer months this view is obscured by trees.

4 HERITAGE IMPACT ASSESSMENT

4.1 Scope of Works

The planning proposal for the existing Park Royal Hotel at 150 Day Street, Sydney (**the site**), involves an ambitious upgrade and expansion of the existing hotel. This project aims to enhance the existing hotel offering while introducing a new, distinct hotel experience above the current structure, enabling the coexistence of the existing Park Royal and a new Pan Pacific Hotel on the same site. Strategically positioned at the edge of the City of Sydney, the development reinforces the city's entry into Darling Harbour by maintaining and emphasising the city wall characteristic of this prominent location.

The project is defined by 3 key principles – maximising adaptive reuse (setting a benchmark for future developments in Sydney), energising the Sydney visitor economy, and significantly enhancing the greening of both the public realm and the skyline, in alignment with the City of Sydney's sustainability goals. Achieving this vision involves an expansion of the existing core and egress upgrades to service new floors over the existing hotel, the employment of a 'strip to structure' approach from the ground to Level 02, and a full upgrade of all existing building services. This initiative not only seeks to create a modernised hotel destination but also sets a precedent for sustainable urban redevelopment.

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 - o Removal existing exit ramp resulting in single vehicle entry/exit ramp from Day Street to be used by valet only.
- Ground floor public domain, public art and landscaping design, and
- Significant greening and landscaping of western façade.

It is also supported by a Letter of Offer to enter into a Voluntary Planning Agreement (**VPA**) with Council to cater for the increased infrastructure demand generated by the proposed uplift.

4.2 Method of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the planning documents that accompany this application.

The proposal is assessed by consideration of:

- The relevant controls of the *Sydney LEP 2012*.
- The objectives and controls for new works to and in the vicinity of heritage items as per Part 3 of the *Sydney DCP 2012*.

with an understanding of the requirements for Heritage Impact Statements provided by the Heritage NSW publication Statements of Heritage Impact (2023 update); and

5 EFFECT OF WORK

5.1 Effect of work on site

The changes sought by the Planning Proposal, to facilitate the future uplift on the site will result in significant change to the existing building. The subject site is not a heritage item, nor part of a heritage conservation area. The buildings on site are not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement. Therefore, these changes will have no impact on the significance of the locality. A future Detailed DA will address any changes to the Ground plane and podium which could have a potential impact on the setting of "The Vintage Building".

5.2 Impact on the 'The Vintage Building'

The proposed changes to the planning controls to facilitate additional development on the site will have some visual impact on "The Vintage Building." However, the existing Park Royal Hotel already serves as a dominant backdrop to this heritage item and is proposed to be retained, with minimal changes to the existing podium.. At Sands Street, the current interface forms a sheer vertical wall that exceeds the height of the three-storey and part four storey heritage structure. While this interface is dominating, such relationships are common in the CBD, where heritage items are often significantly smaller in scale compared to modern buildings.

Despite these challenges, "The Vintage Building" retains its visual prominence within the streetscape. Its location on the prominent corner of Bathurst and Sussex Streets, combined with its large site area, prevents nearby structures from overwhelming it. Additionally, the topography of the western end of Bathurst Street, which slopes downward toward Darling Harbour, further enhances the building's visibility and prominence in the streetscape.

The proposed LEP amendments sought by the proponent to increase the height of the hotel will appear in the background behind the item more prominently than the current building on site. However, given the prominence of the existing hotel from key vantage points indicated in Section 3.1 above, the potential future uplift will only have a minor additional visual impact on the building. The existing podium arrangement and height of the building will remain unchanged with the uplift only envisaged from the upper portion of the building. The below 3D images produced by Hassell Architects, indicate the existing and proposed uplift on site. The images demonstrate, that although the envisaged future

building will be larger, the views towards the item remain largely unchanged because the podium alignment and form are retained.

Existing and proposed views (3D by Hassell)	Comment
	Figure 27: The existing view towards the item from the intersection of Bathurst and Sussex Streets. It shows that the existing building and those surround it already dominate its setting.
	Figure 28: The indicative building envelope behind the item. This building is larger but it does not affect the appreciation and setting of the item beyond the existing context.
	Figure 29: The existing view from outside the Darling Harbour pedestrian overpass. This view demonstrates the only views towards the item are along Bathurst Street with the existing hotel being the dominant foreground element.



Figure 30: Indicative building envelope demonstrating that although the height of the building will increase the views toward the item will remain unchanged.

The proposed changes will also facilitate the active glazed frontage at the corner of Bathurst Street and Sands Street, with further laneway activation (subject to future DA) to soften the interface between the new sites. This will generate increased interaction with the site and appreciation of its architectural character.

The future envelope will result in no additional overshadowing of the building as made under the current circumstances. Presently, the site is already overshadowed by the other high-density development in the vicinity, located further to the north of the site. Therefore, there will be no additional overshadowing of the site.

5.3 Effect of work on heritage items in the vicinity.

The potential future uplift on the site made feasible by the change to the height controls will enable the construction of a larger tower that will be visible from several heritage items in the vicinity. These items including the Pyrmont Bridge, Chinese Friendship Garden and St Andrews Cathedral (during winter months).

These items are already within a distinctly urban, commercial area. Given the scale of the proposed development in the immediate vicinity the new tower will read as one of many contemporary towers that form the CBD skyline. The indicative building envelope has been designed to slot neatly into the CBD skyline which will form the backdrop to these items.

- The proposal will not introduce a built form that compromises the ability to appreciate the historical importance of these items.
- The proposal will not introduce a built form that obstructs recognised significant views to or from the items.
- The proposal will introduce a built form that aligns with the ongoing development pattern in the surrounding area.

Beyond the items discussed above, the Planning Proposal that will facilitate the future construction of a larger tower on site will have an acceptable impact on other heritage items in the vicinity.

5.4 Assessment against Section 5.10 of the Sydney LEP 2012

Sydney LEP 2012	Response
<i>(1) Objectives The objectives of this clause are as follows—</i> <i>(a) to conserve the environmental heritage of the City of Sydney,</i> <i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> <i>(c) to conserve archaeological sites,</i> <i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>	The changes to the LEP 2012 sought by the Planning Proposal will have a limited impact on heritage items in the vicinity. The setting of the closest item, the Vintage Building, will change as a larger built form will be introduced. As demonstrated above, the item already exists in a high-density setting, and due to its form and position at the intersection of Bathurst and Sussex Street exists comfortably in this context. An increase in height of the existing building will therefore not impact the setting of the item beyond the existing context. Views towards the item will remain unchanged as a result of the planning proposal as the existing podium form will remain. The site is not a known site of Aboriginal Significance, however, the indicative built form of a higher tower will be designed with Connecting With Country Design Principles to better integrate the site with its Country, particularly at the ground plane and surrounding public domain.
<i>(2) Requirement for consent Development consent is required for any of the following—</i> <i>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</i> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i> <i>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is</i>	Development consent is sought via the City of Sydney as the works seek to amend the LEP via a planning proposal.

Sydney LEP 2012	Response
<i>specified in Schedule 5 in relation to the item,</i> <i>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i> <i>(d) disturbing or excavating an Aboriginal place of heritage significance,</i> <i>(e) erecting a building on land—</i> <i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i> <i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i> <i>(f) subdividing land—</i> <i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i> <i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</i>	
<i>(3) When consent not required However, development consent under this clause is not required if—</i> <i>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—</i>	n/a – consent is required.

Sydney LEP 2012	Response
<i>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</i> <i>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</i> <i>(b) the development is in a cemetery or burial ground and the proposed development—</i> <i>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</i> <i>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</i> <i>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</i> <i>(d) the development is exempt development.</i>	
<i>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the</i>	This report, a Statement of Heritage Impact, considers the effect of the proposed LEP amendments on the heritage items in the vicinity of the site. A heritage conservation management plan is not considered a necessary document to accompany the application.

Sydney LEP 2012	Response
<i>proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i>	
<i>(5) Heritage assessment The consent authority may, before granting consent to any development—</i> <i>(a) on land on which a heritage item is located, or</i> <i>(b) on land that is within a heritage conservation area, or</i> <i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i> <i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i>	This report, a Statement of Heritage Impact, considers the effect of the proposed LEP amendments on the heritage items in the vicinity of the site.
<i>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i>	A heritage conservation management plan is not considered a necessary document as no part of the site is heritage listed. The heritage listed building comes under separate ownership.
<i>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of</i>	n/a The site has no known archaeological potential due to the existing basement on site. If a detailed development application requires further

Sydney LEP 2012	Response
<i>development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—</i> <i>(a) notify the Heritage Council of its intention to grant consent, and</i> <i>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i>	intervention to the Ground Plane then an archaeological assessment should be undertaken.
<i>(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</i> <i>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i> <i>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i>	As above.
<i>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</i>	N/A no demolition is proposed.

Sydney LEP 2012	Response
<i>(a) notify the Heritage Council about the application, and</i> <i>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i>	
<i>(10) Conservation incentives</i> <i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</i> <i>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i> <i>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i> <i>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i> <i>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i> <i>(e) the proposed development would not have any significant</i>	n/a This site is not eligible for Conservation Incentives as no part of the site is heritage listed.

Sydney LEP 2012	Response
<i>adverse effect on the amenity of the surrounding area.</i>	

5.5 Assessment against Section 3.9.5 of the Sydney DCP 2012 (Site Specific DCP)

Sydney DCP 2012 Control	Response
<i>(3) Alterations and additions to buildings and structures and new development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage item in terms of the:</i> <i>(a) building envelope;</i> <i>(b) proportions;</i> <i>(c) materials, colours and finishes; and (d) building and street alignment.</i>	The proposed changes sought by the planning proposal will not result in any physical changes to the site. However, the indicative building envelopes envisaged by Hassell indicate that the podium form of the existing hotel will remain unchanged. This means that views and the general ground plane setting will remain as existing and contribute no additional impact. The detailed DA addressing the future larger addition onsite will address proportions and materiality.
<i>(4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:</i> <i>(a) providing an adequate area around the building to allow interpretation of the heritage item;</i> <i>(b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);</i> <i>(c) protecting, where possible and allowing the interpretation of archaeological features; and</i> <i>(d) Retaining and respecting significant views to and from the heritage item.</i>	a) The proposed changes in the planning proposal will not lead to any additional encroachment on "The Vintage Building." The existing hotel and its setbacks are intended to be retained and integrated as part of the base for a taller building, subject to a future DA. b) There is no change to original or significant landscaping within the immediate context of the heritage item c) n/a d) Sections 5.1, and 5.2 above assess the impact on significant views toward items in the vicinity to have an acceptable heritage impact.

6 SUMMARY

The planning proposal relating to the site at 150 Day Street, Sydney aims to amend the Sydney LEP 2012 by introducing a site-specific clause to allow a maximum building height of 85 metres, a floor space ratio of 13.2:1 for hotel-related uses, and restrict the site to employment or hotel purposes, excluding residential accommodation or serviced apartments.

With regard to nearby heritage items and the assessment of heritage impacts set out above, the Planning Proposal is considered acceptable for the following reasons:

- The potential impact of a larger building within the limits sought by the proposal (and described by its reference design) will not cause any significant impact to the heritage significance of nearby heritage items.
- Historic views from, *the Vintage Building* will not be further blocked, impeded or unreasonably disrupted; the proposed building envelope will read as a in keeping with current and future development of the Sydney CBD. This is reinforced by the accompanying 3D views showing photomontages of the proposed building envelope on site.
- No significant view corridors to or from the items identified in Section 3.2 will be blocked, impeded or unreasonably disrupted. Views from the site are not considered to have heritage significance.
- The proposal offers a future opportunity to activate the intrusive and inactive ground plane at Bathurst and Sands Street which forms the closest interface to *the Vintage Building*.
- Changes to the controls will still facilitate a tower which will require the major alteration to the building on site. The buildings on site are not considered to be of heritage significance, either through the assessment of City of Sydney Council or by the authors of this statement.

The concept design by Hassell successfully establishes a future built form that achieves a cohesive architectural connection with the surrounding heritage context. It ensures the preservation of the historical character and setting of nearby items while accommodating modern development. The Planning Proposal aligns with the Council's vision for a vibrant and dynamic city centre, enhancing connectivity and activation at the CBD edges adjoining Darling Harbour.

7 REFERENCES AND DEFINITIONS

7.1 Definitions

Term	Meaning
Consent authority	The person or body with whose approval that act, matter or thing may be done or without whose approval that act, matter or thing may not be done.
Conservation	Conservation means all the processes of looking after a place so as to retain its cultural significance (as defined in <i>The Burra Charter</i>).
Development	The erection of a building, carrying out work, use of or subdivision of land.
Heritage significance	Term used in the assessment and understanding of heritage items that have significance in relation to their historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.
Moveable heritage	A moveable object that is not a relic.
<i>National Construction Code</i>	A code that sets minimum requirements for design, construction and performance of buildings, as well as plumbing and drainage systems throughout Australia.
Relic	Any deposit, artefact, object or material evidence that is of state or local heritage significance.
Setting	The area around an item, which may include the visual catchment.
State Heritage Inventory	An online database containing heritage items and conservation areas on statutory lists in NSW. This includes the State Heritage Register and local government items.
State Heritage Register	The NSW State Heritage Register. A list of places and items of importance to the people of NSW. Only places of state heritage significance are listed on the State Heritage Register. The State Heritage Register protects these items and their significance.
State Heritage Register item	A term to describe a heritage item that is of state heritage significance and is listed on the State Heritage Register.

7.2 Documentary Evidence

7.2.1 General References

7.2.1.1 Guidelines

Australia ICOMOS Inc (2013a) 'The Burra Charter: the Australia ICOMOS charter for places of cultural significance', Australian ICOMOS (International Council on Monuments and Sites) Inc, Burwood, accessed 9 June 2023.

Australia ICOMOS Inc (2013b) 'Burra Charter article 22 — new work', practice note, Australian ICOMOS (International Council on Monuments and Sites) Inc, Burwood, accessed 9 June 2023.

Heritage NSW (2019) Subdivision and NSW State Heritage Register items policy and procedure, Heritage NSW, NSW Government, accessed 9 June 2023.

Heritage NSW (2020) Material threshold policy, Department of Planning, Industry and Environment, NSW Government, accessed 9 June 2023.

DPE (Department of Planning and Environment) (2023) Assessing heritage significance, DPE, NSW Government, accessed 9 June 2023.

7.2.1.2 Heritage Inventory Sheets

Heritage NSW (2025) Former Warehouse Including Interiors, State Heritage Inventory No. 2424140. Available at:
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424140>
(Accessed: 13 January 2025).

Heritage NSW (2025) Former "Universal Film Manufacturing Co" Warehouse Including Interior and Yard, State Heritage Inventory No. 2424176, Available at:
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424176>
(Accessed: 13 January 2025)

7.2.1.3 Other imagery

City of Sydney Archives *View of B Seppelt & Sons, Sussex Street Sydney, 1979 (01/01/1979 - 31/12/1979)*, [A-00008039], Accessed 13 Jan 2025,
<https://archives.cityofsydney.nsw.gov.au/nodes/view/568684>

City of Sydney Archives, *Opportunity Sites Review (01/04/1996)*, [A-00032043]. accessed 13 Jan 2025, <https://archives.cityofsydney.nsw.gov.au/nodes/view/594250>

7.2.1.4 Planning Documents

- *NSW Heritage Act 1977.*
- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *Sydney Local Environmental Plan (LEP) 2012.*
- *Sydney Development Control Plan (DCP) 2012*