

Item 10.**Development Application: 757-759 and 761-763 George Street, Haymarket - D/2024/890****File Number:** D/2024/890**Summary**

Date of Submission:	The application was lodged on 28 November 2024. Amended plans and additional information were received on 9 April 2025 and 19 May 2025.
Applicant/Owner:	Samprian Pty Ltd
Architect:	Architecture AND
Planning Consultant:	Mecone
DAP:	The application was considered by the Design Advisory Panel on 28 November 2024.
Cost of Works:	\$62,975,000
Zoning:	The site is in the SP5 - Metropolitan Centre Zone. The proposed mixed-use building comprising tourist and visitor accommodation and commercial uses are permissible with consent in the zone.
Proposal Summary:	Development consent is sought for demolition of existing structures with retention of heritage facades, and construction of a 31-storey mixed-use hotel and commercial development, including; • ground floor food and drinks premises, concierge, hotel lobby and turntable loading area; • Level 1 function spaces; • Level 2 podium bar, pool area, amenities and landscaping; • 28 levels of hotel floorspace on upper levels (374 keys);

- A two level basement to accommodate a small bar, amenities, bicycle parking, end of trip facilities, staff areas, plant and waste rooms.

The application is being reported to the Central Sydney Planning Committee for determination, as the cost of the development exceeds \$50 million.

A Planning Proposal for the site was approved by the Central Sydney Planning Committee on 9 March 2023.

The site and proposed development are subject to a Voluntary Planning Agreement which was executed by Samprian Pty Ltd and City of Sydney on 26 April 2023.

The proposal is subject to site-specific planning provisions under Clause 6.60F of the Sydney LEP 2012. The proposed development is in breach of the maximum floor space ratio for the parts of the building below ground level permitted under Clause 6.60F(6). A request to vary the below ground floor space ratio development standard in accordance with Clause 4.6 has been submitted.

The proposal is subject to site-specific planning provisions under Section 6.3.25 of the Sydney DCP 2012. The proposal is generally consistent with the objectives and provisions of this section. The proposed building envelope includes a number of minor departures from the established DCP envelope.

The applicant has undertaken a competitive design process in accordance with the City's requirements. The scheme prepared by Architecture AND was identified as the preferred scheme and most likely to achieve design excellence. The detailed design application is substantially the same as the winning scheme and adequately addresses the recommendations of the competition jury.

A preliminary assessment of the application including consideration by the City's Design Advisory Panel (DAP), identified concerns relating to loading and servicing, wind impacts, heritage preservation, contamination, flooding, stormwater, public domain levels, public art and landscaping.

The above matters have been largely addressed through the submission of amended plans and additional information, or through conditions of consent contained in Attachment A.

In accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and advertised for a period of 28 days between 14 November 2024 and 13 December 2024. A total of 844 properties were notified and 19 submissions were received. The amended plans were not required to be notified as they did not result in additional impacts from the original proposal.

Concerns raised in the submissions relate to use, overall height and scale of the development, heritage impacts on the surrounding locality and neighbouring church, impacts to public amenities along George Street including wind tunnelling and overshadowing, overshadowing of the neighbouring church, increase in traffic and parking for the area and construction noise impacts. Issues raised in the submissions have been addressed within this report.

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

Development Controls

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) State Environmental Planning Policy (Sustainable Buildings) 2022
- (iii) State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards)
- (iv) State Environmental Planning Policy (Transport and Infrastructure 2021 (SEPP Transport and Infrastructure 2021)
- (v) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation)
- (vi) Sydney Local Environmental Plan 2012 (SLEP 2012)
- (vii) Sydney Development Control Plan 2012 (SDCP 2012)
- (viii) Sydney Landscape Code Volume 2: All Developments Except for Single Dwellings 2012
- (ix) City of Sydney Interim Floodplain Management Policy 2023

- (x) City of Sydney Guidelines for Waste Management in New Developments 2018
- (xi) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011
- (xii) Central Sydney Development Contributions Plan 2020
- (xiii) City of Sydney Community Engagement Strategy and Community Participation Plan 2024

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Below Ground Floor Space
- D. Submissions

Recommendation

It is resolved that:

- (A) the variation requested to the below ground floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2024/890 subject to the conditions set out in Attachment A to the subject report:

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the Clause 6.60F(6) development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 6.60F(6) of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the SP5 zone and the Clause 6.60F(6) development standard.
- (C) The proposed development is consistent with the objectives of the SP5 Metropolitan Centre zone.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The proposed development is consistent with the design intent of the winning schemes of the competitive design alternatives processes for the site, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, and the Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (G) The proposal provides for uses that are compatible with the surrounding area. The proposal is in keeping with the future desired character of the area and is considered to be in the public interest.

Background

The Site and Surrounding Development

1. The site is located at 757-759 and 761-763 George Street, Haymarket. The site has a legal description of Lot 1 in DP 1031645 and Lot 11 in DP 70261. The site is irregular in shape with a combined total area of approximately 1,030sqm. The site has two frontages, George Street to the east and Valentine Street to the south. To the west, the site shares a common boundary to 187-189 Thomas Street and to the north, the site shares a common boundary to 743-755 George Street.
2. The site contains two commercial buildings. The building located at 757-759 George Street is 3-4 storeys in height and is currently vacant. The site's corner building located at 761-763 George Street is a 2 storey heritage listed building. The ground floor is currently occupied by a food and drink premises and the upper floor is vacant. The northern boundary of the site is a shared private laneway subject to a right of carriageway in favour of the site which permits access to an undeveloped portion in the northwestern corner of the site that has been used as an open carpark.
3. The surrounding area is characterised by a mixture of land uses:
 - (a) East: On the eastern side of George Street is Christ Church St Laurence and associated buildings, which are listed on the State heritage register. Adjoining the church to the south is an 8 storey masonry building, the former Lottery Office, a local heritage item that currently comprises a hostel and visitor accommodation. Three storey retail and commercial buildings front the eastern side of George Street opposite the subject site, adjoined by an 8 storey masonry building, which is also a local heritage item and comprises a hostel and visitor accommodation.
 - (b) North: Capitol Terrace, a mixed use building consisting of ground floor retail and residential apartments directly adjoins the site along its northern boundaries. A retail arcade through Capitol Terrace provides a pedestrian connection from George Street to Thomas Street. To the north of Capitol Terrace, small and medium sized commercial buildings front George Street and the intersection with Rawson Place.
 - (c) West: Adjoining the site to its western boundary is a 10 storey commercial office building, 187 Thomas Street. A planning proposal for the site has been approved to permit a commercial office tower up to RL 226.80m. A detailed DA was lodged concurrently with the subject DA however, the application has since been withdrawn.
 - (d) South: A row of heritage listed commercial terraces front George Street, primarily consisting of office, retail, entertainment, food and drink and tourist accommodation uses. Commercial and retail buildings between two and six storeys in height front Valentine Street and Quay Street to the south west of the site.
4. The site includes local heritage item I843, Former commercial building "Sutton Forest Meat" including interior, on 761-763 George Street, being the site's southern lot.
5. The site is located within the Haymarket/Chinatown Special Character Area in Central Sydney.

6. A site visit was carried out on 18 November 2024 and 13 May 2025. Photos of the site and surrounds are provided below.

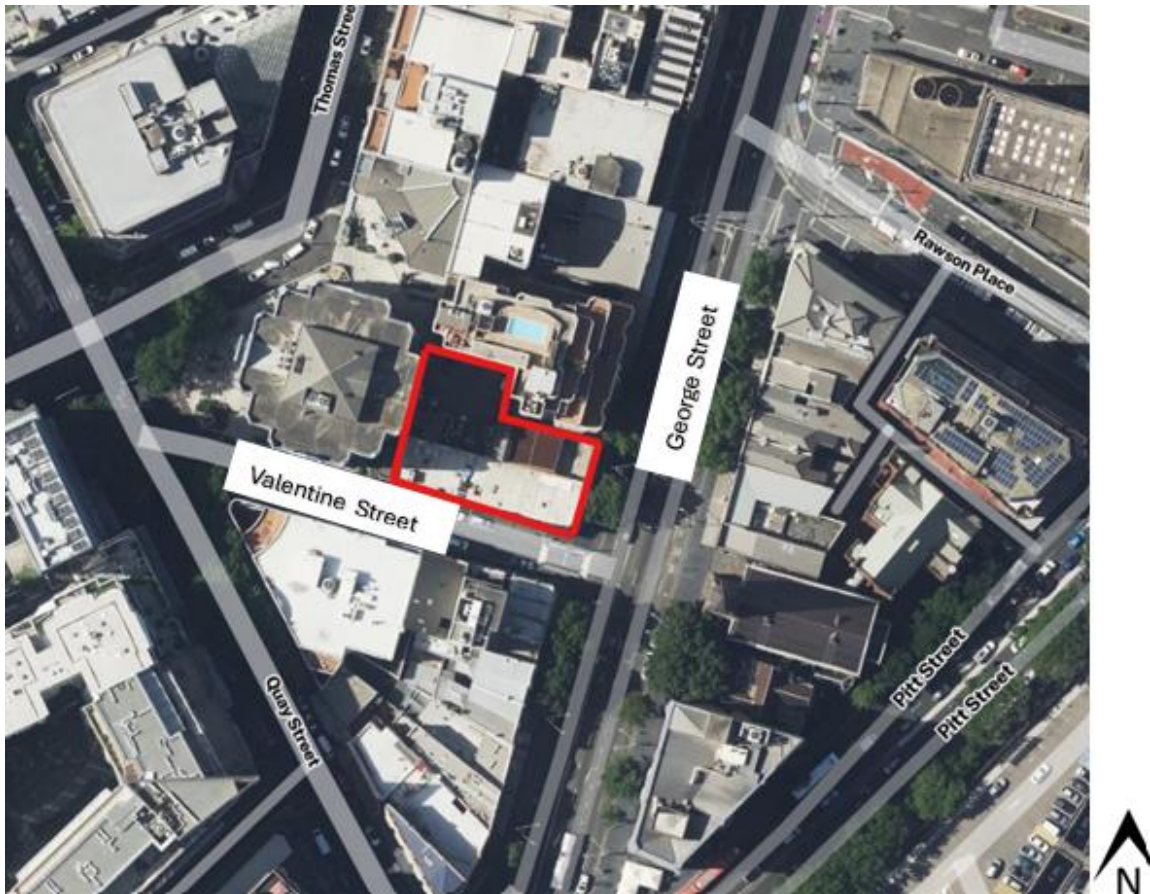


Figure 1: Aerial view of site (highlighted in red) and surrounds



Figure 2: Site viewed from the corner of George Street and Valentine Street



Figure 3: Site viewed from Valentine Street



Figure 4: Site viewed from Valentine Street, looking east towards Christ Church St Laurence



Figure 5: Site (right) and 187-189 Thomas Street (left) viewed from Valentine Street



Figure 6: Site viewed from George Street



Figure 7: Looking north along George Street towards Capitol Terraces



Figure 8: Northern boundary of subject site

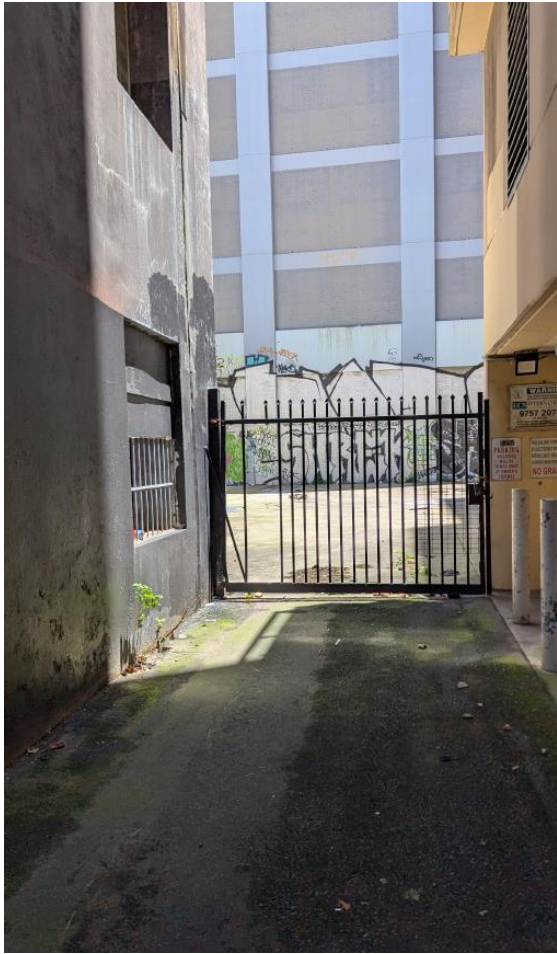


Figure 9: Vacant carpark at rear of site, viewed from the northern boundary lane.



Figure 10: Looking east from subject site

History Relevant to the Development Application

Planning Proposal (PP-2020-1110)

7. A site-specific planning proposal was prepared and sought to insert new site-specific control in Sydney LEP 2012 and Sydney DCP 2012 to enable redevelopment at 757-763 Geroke Street. The planning proposal was approved by Council at the meeting on 9 March 2023.
8. The gazettal resulted in the insertion of site-specific Clause 6.60F in the Sydney LEP 2012, which prescribe:
 - (a) the maximum height for a building is RL 117.87m
 - (b) permit a maximum floor space ratio of 11.1:1 above ground, inclusive of design excellence and accommodation floor space of 1.5:1
 - (c) additional floor space of up to 0.63:1 below ground level for limited purposes to support the related uses in the above ground portion of the building
 - (d) restrictions to ensure the additional building height and floor space provisions are only applicable to employment uses and not residential accommodation or serviced apartments.
9. The site-specific Section 6.3.25 in the Sydney DCP 2012 includes the following provisions:
 - (a) building envelope, design and bulk
 - (b) street frontage heights and setbacks
 - (c) active frontages and public domain
 - (d) parking and vehicular access
 - (e) public art
 - (f) environmentally sustainable development targets
 - (g) design excellence strategy.

Voluntary Planning Agreement

10. The site and proposed development are subject to a Voluntary Planning Agreement (VPA) that was executed by Samprian Pty Ltd and City of Sydney on 26 April 2023.
11. The public benefits secured through this VPA include:
 - (a) a commitment to pay the 3 per cent development contribution at the first construction certificate stage
 - (b) a provision for public art to a value of 0.5 per cent of the total project cost, exclusive to any public art requirements under as required by a development consent.

Competitive Design Process

12. In accordance with the City of Sydney Competitive Design Policy and Section 6.3.24.7 - Design Excellence Strategy of Sydney DCP 2012, an Invited Architectural Design Competition for the site was held.
13. The five architectural practices that were invited to make submissions included:
 - DKO
 - Bates Smart
 - Grimshaw
 - Architecture AND (the winner)
 - FJC Studio
14. The Architecture AND scheme was recommended by the Design Competition Jury as the preferred scheme to develop the detailed proposal. A photomontage of the preferred scheme is provided below.



Figure 11: Photomontage of the Architecture AND design competition selected scheme



Figure 12: Photomontage of the Architecture AND design competition selected scheme

15. The Jury was unanimous in their decision and identified a series of key items that contributed to its success and should be retained as the scheme develops, including:
- (a) The subtlety and restraint of the material palette of the building
 - (b) Facade articulation and building expression, including the modulation and rhythm of the tower form
 - (c) The corner blades to the tower
 - (d) The inset on Level 28 which creates separation and emphasis to the top of the tower
 - (e) Access to natural light in the hotel corridors
 - (f) Approach to natural ventilation for the hotel rooms
 - (g) Reconstruction of the corner turret of the Sutton Forest Meat Building and the simplicity of the shopfront reinstatement
 - (h) The restrained brick facade and chamfer fronting George Street, which are responsive to Christ Church St Laurence and help address wind impact
 - (i) Entry location off George Street and the clear and direct arrival sequence
 - (j) The fine rhythm of mullions that creates a delicate verticality and has depth for sun shading

- (k) The recessed mid-level plant
 - (l) The potential for the provision of a through-site link to enable pedestrian connectivity.
16. Prior to the detailed DA stage, the Jury identified the following matters be further explored and resolved during design development:
- (a) Reconsideration of the hotel corridors to increase access to natural light
 - (b) Introduction of natural light through the roof of the heritage building
 - (c) The placement and/or design of the pool directly above the heritage building is questioned in terms of its relationship and impact on the heritage building
 - (d) Explore further opportunities in the project for Connecting with Country
 - (e) Greater integration of the public art strategy into the building design
 - (f) Further consideration of the amenity for staff facilities
 - (g) Provision of sun protection for rooms on Level 28.

Amendments and Additional information

17. During the preliminary assessment of the proposed development by Council Officers, the application was presented to the Design Advisory Panel (DAP) on 28 November 2024.
18. Following a preliminary assessment, a request for additional information and amendments was sent to the applicant on 20 February 2025. The main issues raised include FSR exceedance, servicing requirements, laneway/through-site link resolution, heritage impact and structural integrity of the retained fabric, landscaping, public art, cumulative wind impact, flooding, levels/gradients, contamination and sustainability commitments.
19. The applicant responded to the request on 10 April 2025, and submitted the following information:
- (a) Clause 4.6 to vary Clause 6.60F(6) of the Sydney LEP 2012;
 - (b) Loading and servicing management plan
 - (c) Transport impact assessment
 - (d) Removal of the initially proposed through-site link and additional laneway resolution
 - (e) A heritage support letter and additional structural support methodology
 - (f) Revised landscape plans
 - (g) Public art plan and Connecting to Country Report
 - (h) Cumulative Wind Study, with the inclusion of the future building envelope at 187-189 Thomas Street

- (i) Flood Risk management report
 - (j) Public domain civil engineering plans
 - (k) Stormwater quality assessment report and accompanying plans
 - (l) Geotechnical report and interim audit advice letter
 - (m) City of Sydney Design for Environmental Performance Template
20. Following an assessment of the additional information provided, correspondence was sent to the applicant on 7 May 2025 raising remaining issues including wind impact, flooding/stormwater/levels/gradients, mechanical ventilation and landscaping. Amended plans and information was provided on 19 May.
21. A conservation management plan was provided by the applicant on 14 May.
22. An amended Flood Risk Management Plan and Stormwater Quality Report was provided by the applicant on 30 May 2025.

Proposed Development

23. The application seeks consent for the following:
- Demolition of existing structures at 757-759 George Street and construction of new facade and podium to the established street frontage height
 - Retention of heritage facade at 761-763 George Street
 - Excavation and site preparation
 - Construction of a 31-storey mixed-use hotel and commercial development, comprising the following elements:
 - Lower basement
 - Bicycle parking and end of trip facilities
 - Waste rooms
 - Site services and plant rooms
 - Staff offices
 - Upper basement
 - Speakeasy/small bar including kitchen
 - Guest amenities
 - Substation
 - Servicing rooms

Ground Floor

- Hotel reception and concierge
- Food and drink premises, including kitchen and bar
- Ground floor loading, accessed via Valentine Street

Level 1

- Hotel function rooms
- Staff room

Level 2

- Swimming pool, pool terrace and bar
- Function room
- Landscaped terrace

Level 3

- Guest gym

Levels 4-30

- Hotel rooms (374 keys)

Lower roof

- Mechanical ventilation system

Upper roof

- Solar panels

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

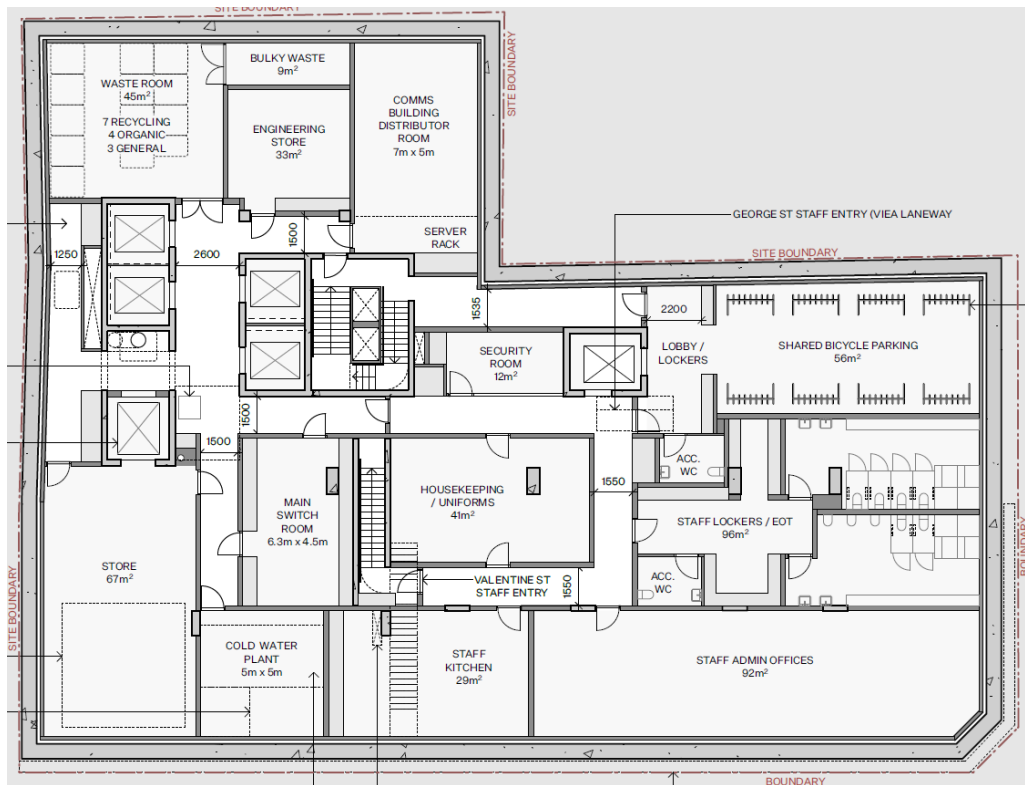


Figure 13: Proposed lower basement level

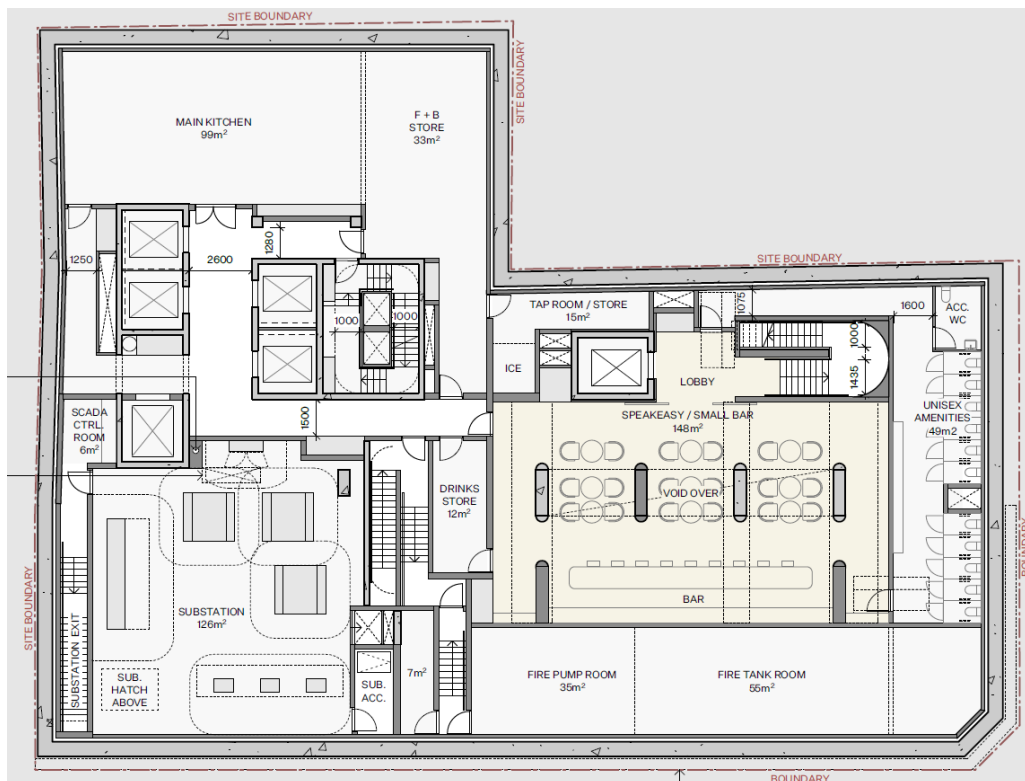


Figure 14: Proposed upper basement level

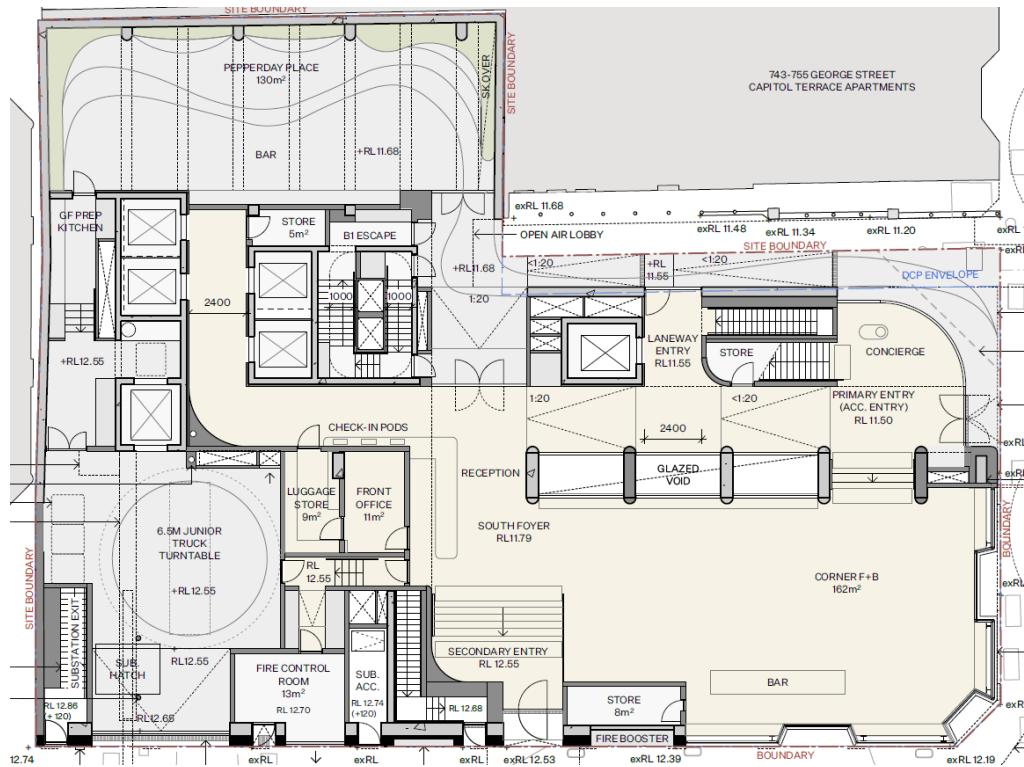


Figure 15: Proposed ground floor plan

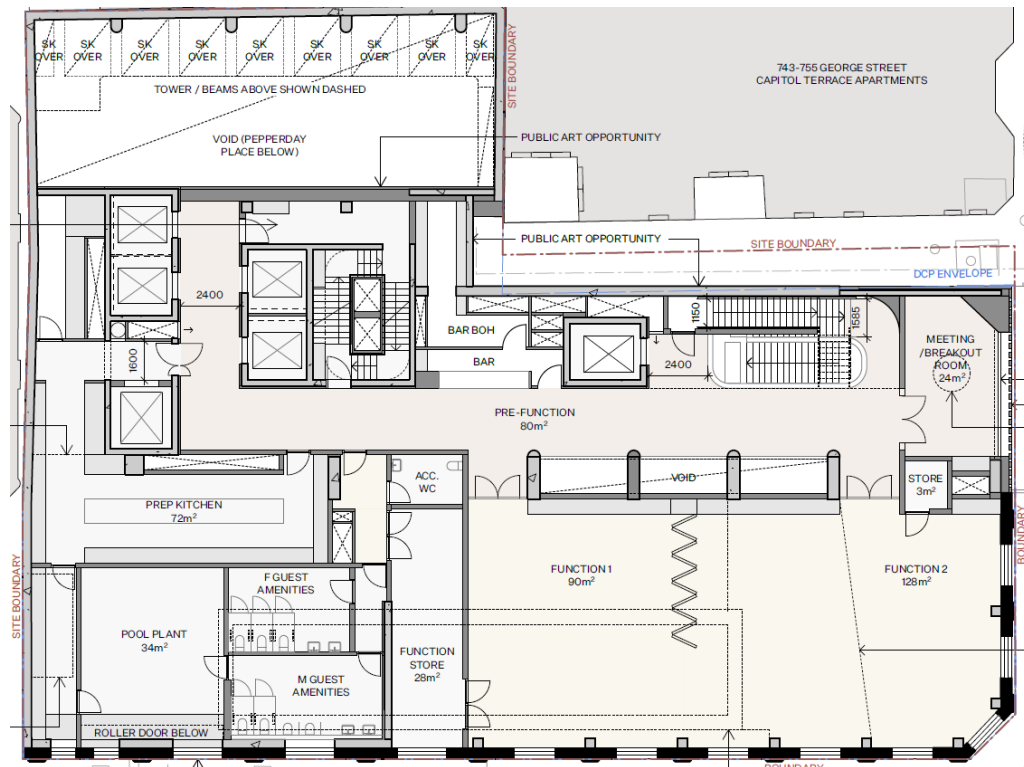


Figure 16: Proposed level 1 plan

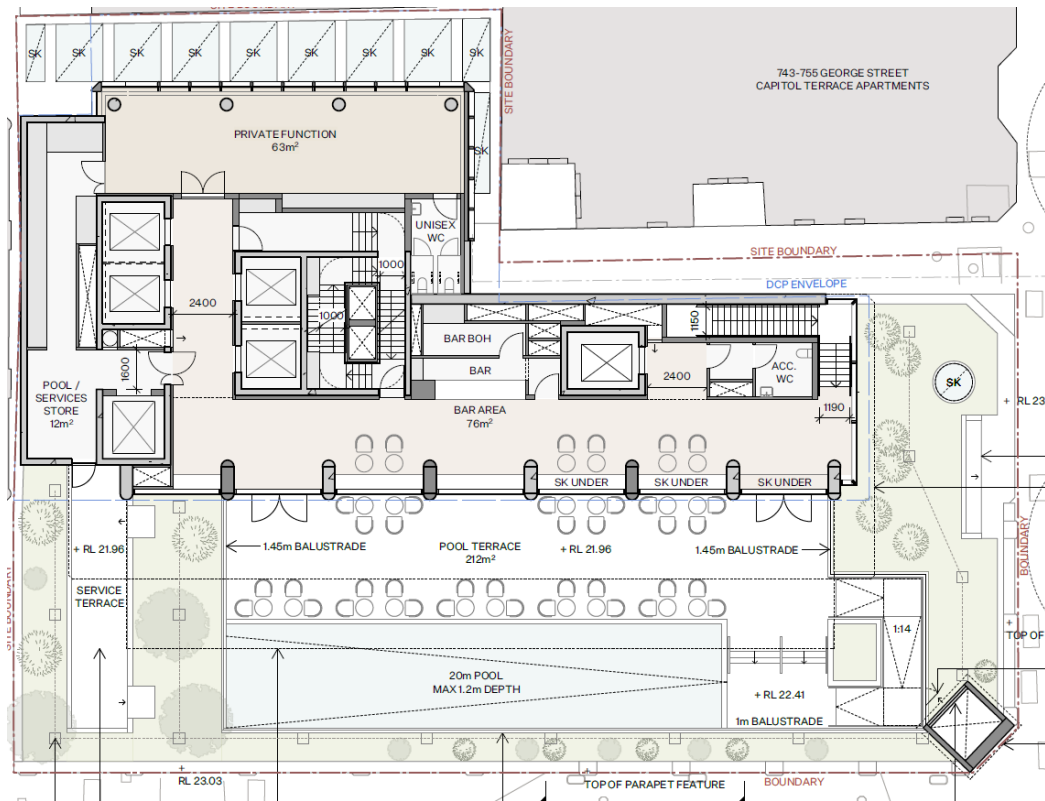


Figure 17: Proposed level 2 plan

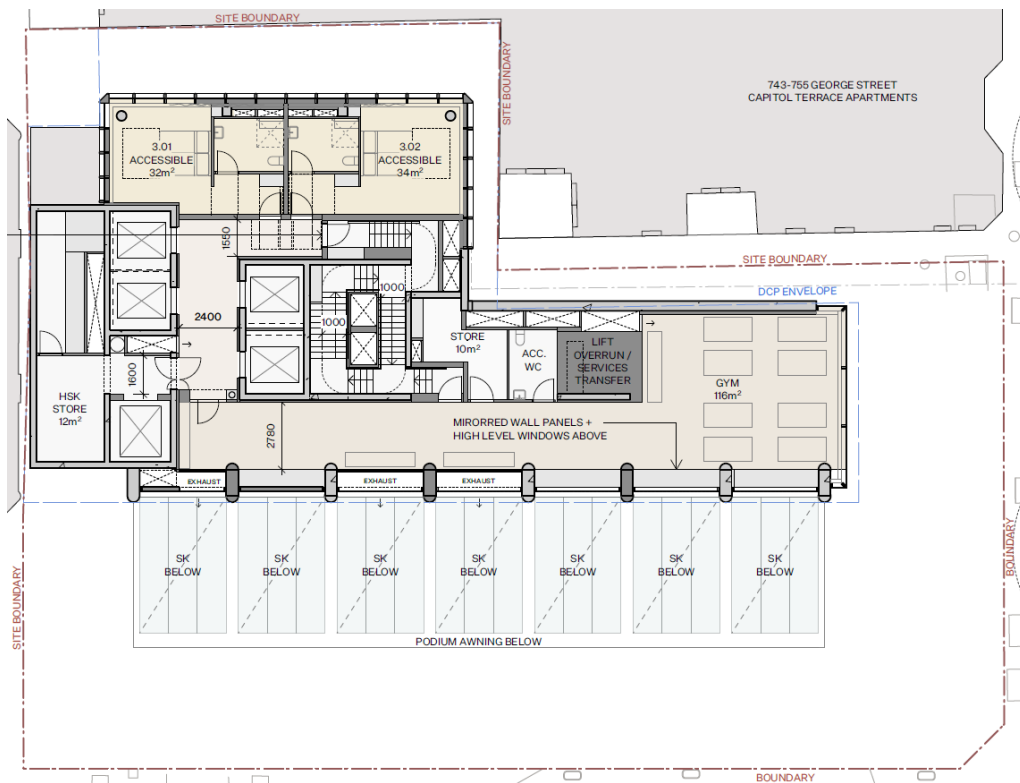


Figure 18: Proposed level 3 plan

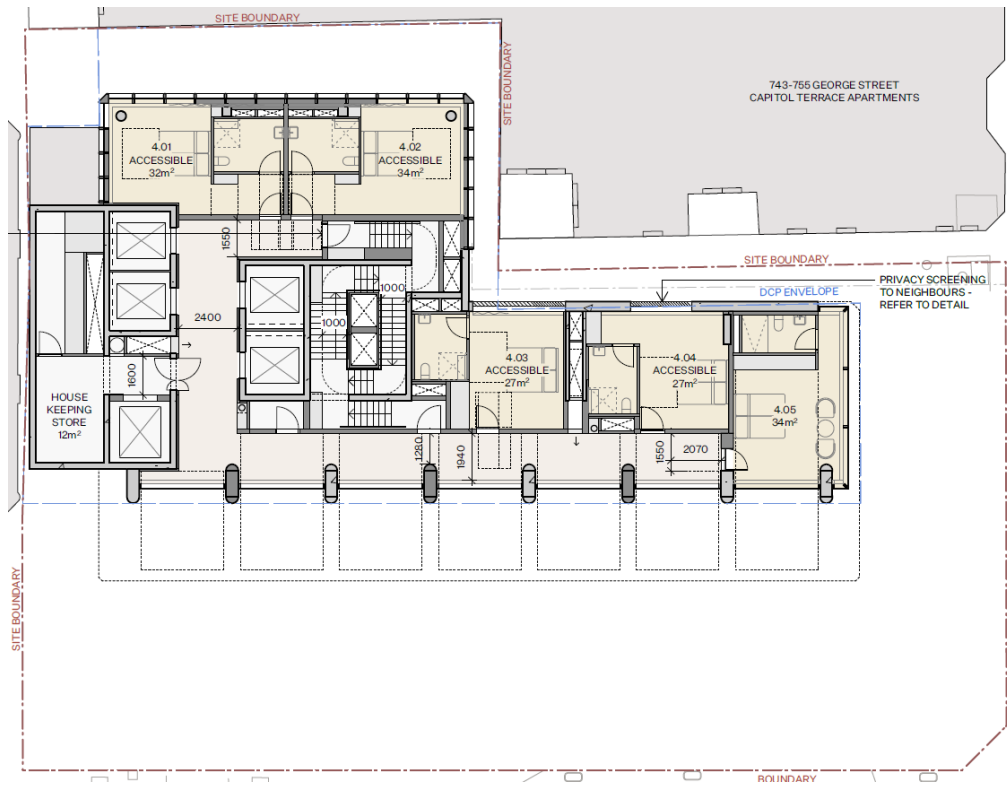


Figure 19: Proposed level 4 plan



Figure 20: Levels 5-30 plans

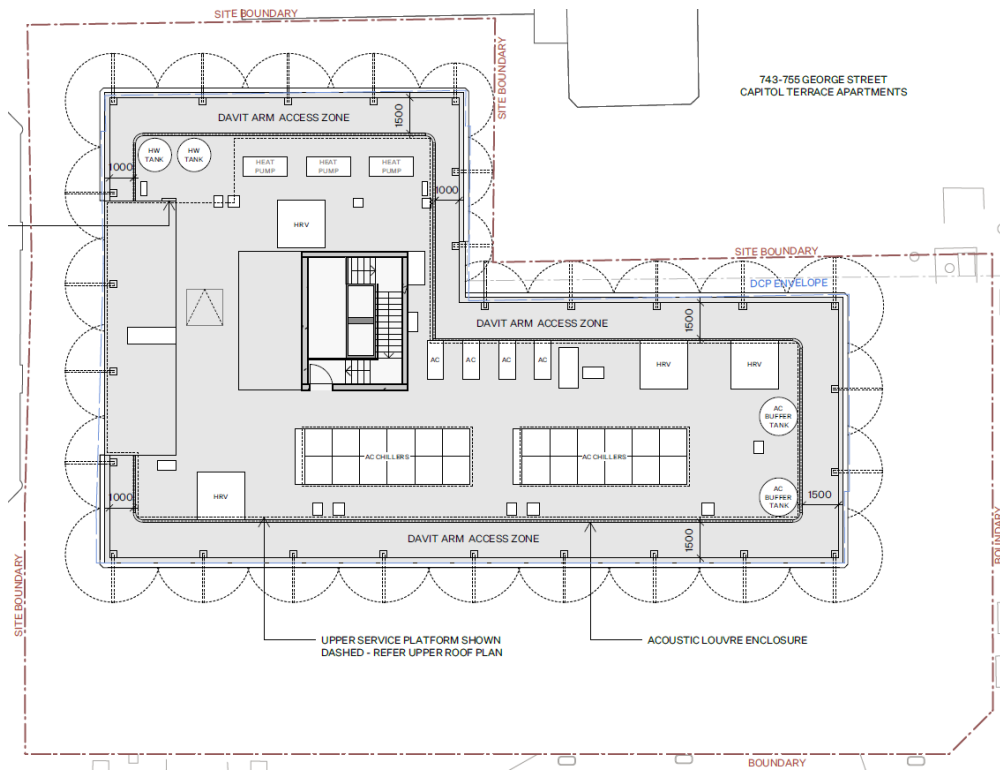


Figure 21: Lower roof plan

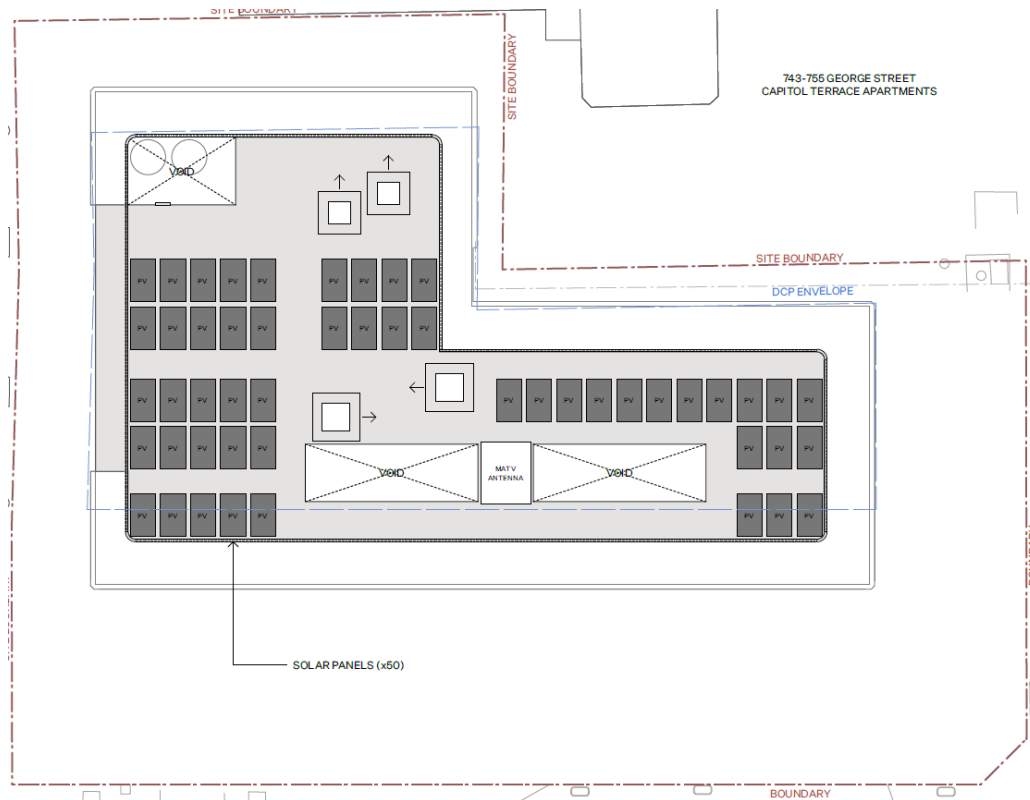
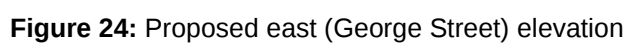
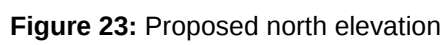


Figure 22: Upper roof plan



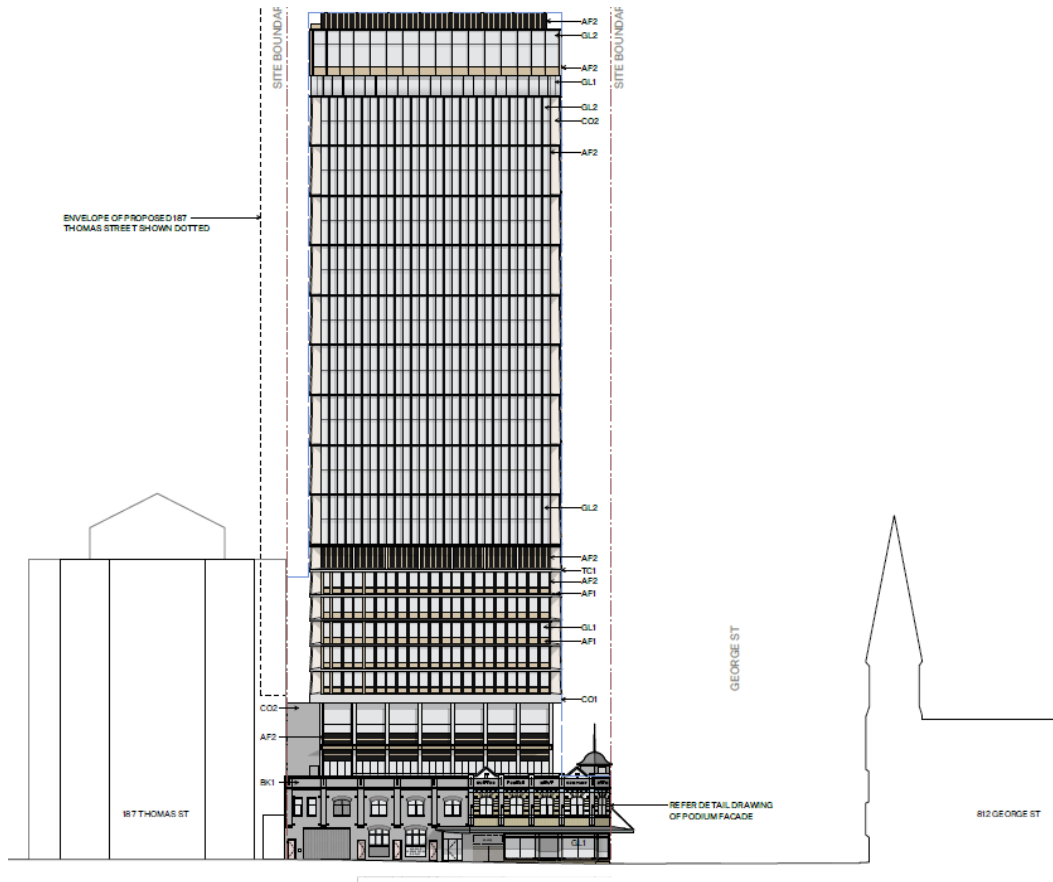


Figure 25: Proposed south (Valentine Street) elevation

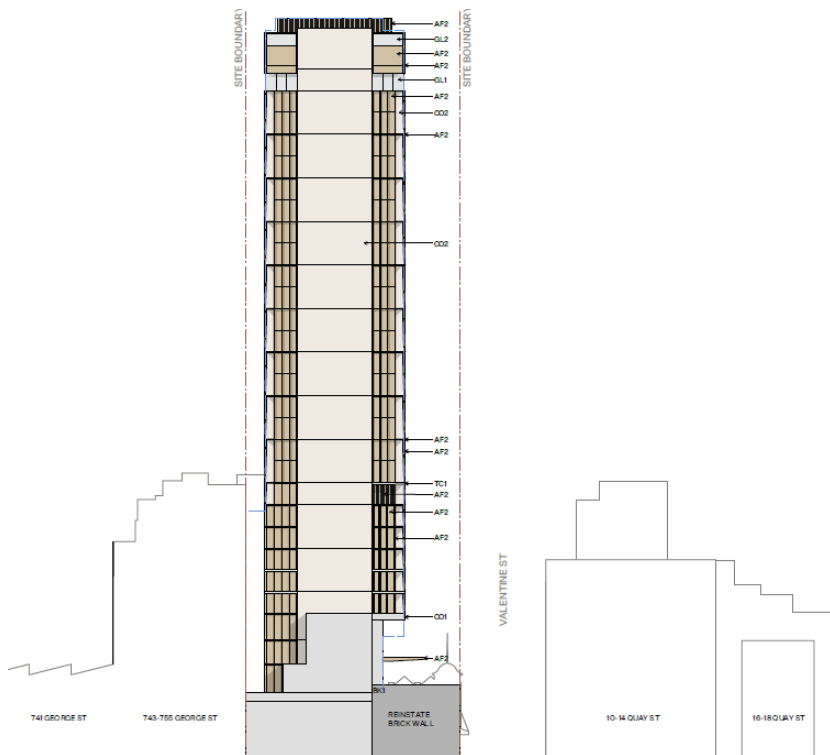


Figure 26: Proposed west elevation

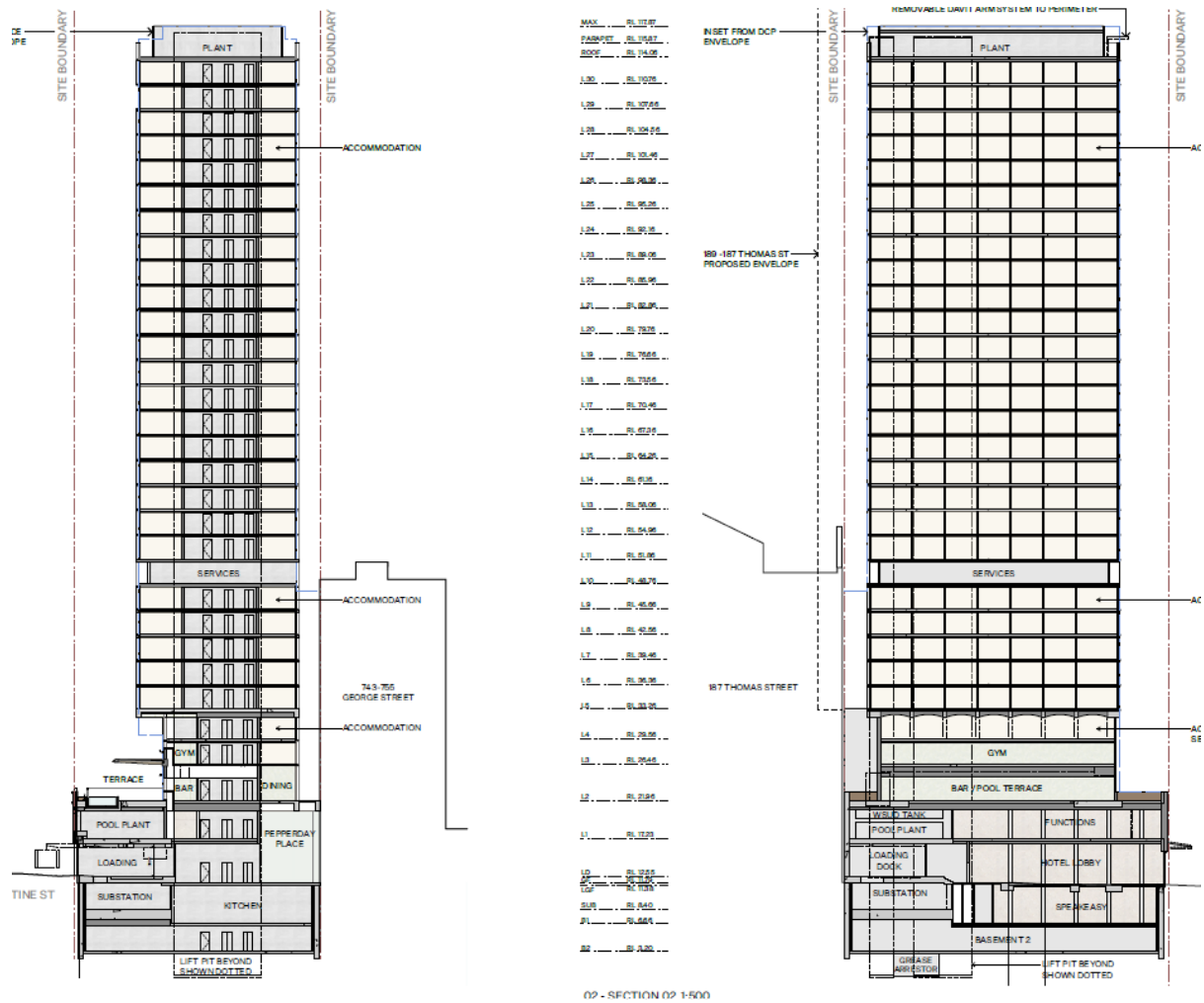


Figure 27: Section plans



Figure 28: George Street photomontage



Figure 29: Photomontage viewed from Railway Square



Figure 30: Photomontage of Level 2 terrace and pool, looking east

Assessment

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

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

26. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings
 - (b) to ensure consistent assessment of the sustainability of buildings
 - (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored
 - (d) to monitor the embodied emissions of materials used in construction of buildings
 - (e) to minimise the consumption of energy
 - (f) to reduce greenhouse gas emissions
 - (g) to minimise the consumption of mains-supplied potable water
 - (h) to ensure good thermal performance of buildings.

Section 3.3 Other Considerations for Large Commercial Development

27. Section 3.3 Other considerations for large commercial development applies to development defined as hotel accommodation.
28. Section 3.3 provides that:
- (1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.
 - (2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.
 - (3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.
29. The above, to the extent it relates to energy use, does not apply to large commercial development, except serviced apartments, on land to which the following local environmental plans apply—
- (a) Sydney Local Environmental Plan 2012,
 - (b) Sydney Local Environmental Plan (Green Square Town Centre) 2013,

- (c) Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.
30. The proposed development is subject to Sydney LEP 2012 and is for a prescribed hotel accommodation. The proposal satisfies the standards for water use being subject of a 3 star NABERS water rating.
31. Conditions of consent are recommended to ensure that the development achieves the required energy and water use standards.

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

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. The site has been previously used for industrial and commercial uses, and there is the potential for contaminants on the site. Decommissioned fuel storage tanks are known to be present, however their exact location is uncertain. Initial testing has revealed that hydrocarbon contaminants are present.
34. The Site Auditor has provided interim advice that there are data gaps relating to groundwater contamination and the precise location of the fuel storage tanks. Until these data gaps have been filled, the Remediation Action Plan cannot be endorsed by the Site Auditor. Notwithstanding this, the interim advice letter states that the Remediation Action Plan is otherwise satisfactory in terms of meeting the NSW EPA Reporting Guidelines.
35. The Site Auditor has also advised that there are significant issues with access to assess soil and groundwater in the southern part of the site, where the heritage item is situated. The site is currently occupied, and it would not be possible to access and operate drilling equipment inside without significant disturbance to the current operation. It is the opinion of the site auditor that the best data to assess the soil and groundwater impacts accurately in this part of the site would be obtained after the tenancy is vacated and the internal walls and upper floors of the heritage item have been removed.
36. Council's Environmental Health Unit has accepted this advice and has recommended a condition of consent which will allow the testing to occur after the necessary demolition works. A Construction Certificate for below ground works, or the construction of the building, will not be issued until the Site Auditor has provided the necessary certification to demonstrate that the Detailed Remediation Action Plan is practical, and the site will be suitable after remediation for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

Clause 2.48 Determination of development applications – other development

38. The application is subject to Clause 2.48 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line.

39. As such, the application was referred to Ausgrid for a period of 21 days. A response was received on 29 January 2025 raising no objection to the proposal.

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

Clause 2.101 – Development within or adjacent to interim rail corridor

40. The application is adjacent to the rail corridor and was subsequently referred to Transport for NSW (TfNSW) for concurrence. Concurrence was provided on 18 March 2025. TfNSW have recommended conditions which are included in Attachment A.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

41. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
42. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

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

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as "tourist and visitor accommodation" and "commercial premises" and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 50m is permitted pursuant to Clause 4.3. Notwithstanding the above, the site-specific provisions of the LEP (Clause 6.60F) permits a maximum building height of RL117.87m. The proposed development has a maximum building height of RL117.87m and complies.
4.4 Floor space ratio	Partial compliance	A maximum floor space ratio of 7.5:1 or approximately 7,736sqm is permitted. Notwithstanding the above, the site-specific provisions of the LEP (Clause 6.60F) permits two separate floor space ratio standards for the parts of the building at or above ground level, and for the parts of the building below ground level. Clause 6.60F permits a maximum at or above ground level floor space ratio of 11.1:1 or 11,449.65sqm. The proposed development has a floor space ratio at or above ground level of 11.06:1 or 11,409sqm and complies. Clause 6.60F permits a maximum floor space ratio for the parts of the building below ground level of 0.63:1 or 649.85sqm. The proposed development has a floor space ratio for the parts of the building below ground level of 0.74:1 or 763sqm. The proposed development is in breach of the maximum floor space ratio for the parts of the building below ground level permitted by the site specific provisions of the LEP (Clause 6.60F). A request to vary the below ground floor space ratio development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.

Provision	Compliance	Comment
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard for below ground Floor Space Ratio prescribed under Clause 6.60F(6). A Clause 4.6 variation request has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	Part of the subject site is a locally listed heritage item and is in the vicinity of other heritage items including the Christ Church St Laurence. The proposal has appropriately conserved the heritage significance of the heritage items, including associated fabric, setting and views. See further details in the 'Discussion' section below.
5.21 Flood Planning		The site is identified as being subject to flooding. The applicant has submitted a Flood Risk Management Plan and accompanying drawings in accordance with Council's Interim Floodplain Management Policy. The report has identified probable maximum flood (PMF) levels at key points of the development. The minimum floor level for any potential water ingress point to the basement is set above the indicated PMF level. Council's Public Domain unit has reviewed the submitted information and raises no objection to the proposal, subject to conditions. Subject to recommended conditions, the proposed development is compatible with the flood function and behaviour on the land and will allow for safe occupation and efficient evacuation of people in the event of a flood.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space		The subject site is located within Area 4 of Central Sydney. The development has a height greater than 55m and a floor space ratio greater than 8:1, as such, is required to purchase heritage floor space. As per subclause 1 (b), 50% of the accommodation floor space to be utilised, at a ratio of 1.5:1 (per Clause 6.4) equals 772.5sqm. As per subclause 1 (e), the additional floor space permitted under clause 4.6 is 114sqm. As per subclause 2 (a), the amount of heritage floor space may be reduced by up to 50%, as the development is a winner of a design competition. A condition of consent is recommended to require the allocation of 443sqm of heritage floor space.
6.16 Erection of tall buildings in Central Sydney	Yes	The proposed development has a height greater than 55 metres and an FSR above the maximum on the FSR map. As such, the provisions of this Clause are applicable. The maximum building envelope arising from the planning proposal was established with consideration to heights, setbacks, relationship with the surrounding context including heritage buildings as well as minimising wind and overshadowing impacts. The proposed tower is largely contained within the planning envelope that employs appropriate setbacks and floor to ceiling heights that will provide acceptable amenity for future occupants and neighbouring buildings. The tower will not adversely affect the amenity of public spaces in terms of solar access

Provision	Compliance	Comment
		and wind and does not impact on key views from public places. Additionally, the development is compatible with the locality. The proposal respects the quality and significance of nearby heritage buildings. The development complements the Haymarket Chinatown special character area.
Division 3 Height of buildings and overshadowing		
6.17 Sun access planes	Yes	Shadow diagrams have been submitted with the application which confirm that the proposed development will not result in adverse overshadowing impacts on Prince Alfred Park.
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposal exhibits design excellence as required by Clause 6.21C(2) and has retained the key elements of the winning scheme. The amended scheme adequately addresses recommendations for improvement made by the Design Advisory Panel. These recommendations are addressed in detail below under the Discussion heading. The proposal responds appropriately to the planning proposal building envelope and the planning controls where required. The built form is compatible with the character of the locality and provides an appropriate relationship with the Haymarket Chinatown special character area and adjacent development. The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning

Provision	Compliance	Comment
		controls and reflecting the desired future character of the area. The proposal will have a positive contribution to the public domain through the provision of street awnings, retention and protection of street trees and provision of an active frontage. Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the Sydney LEP 2012 and the development is considered to exhibit design excellence.
6.21D Competitive Design Process	Yes	The scheme was designed as part of a competitive design process, and the Architecture AND scheme was nominated to achieve design excellence.
Division 5 Site specific provisions - 6.60F 757-763 George Street, Haymarket		
Building Height	Yes	A maximum building height of RL117.87m is permitted. The proposed development has a maximum building height of RL117.87m and complies.
Floor Space Ratio (at or above ground level)	Yes	A maximum floor space ratio at or above ground level of 11.1:1 or 11,449.65sqm is permitted. The proposed development has a floor space ratio at or above ground level of 11.06:1 or 11,409sqm and complies.
Floor Space Ratio (below ground level)	No	A maximum floor space ratio for the parts of the building below ground level of 0.63:1 or 649.85sqm is permitted. The proposed development has a floor space ratio for the parts of the building below ground level of 0.74:1 or 763sqm. The proposed development is in breach of the maximum floor space ratio for the parts of the building below ground level permitted by the site-specific provisions of the LEP.

Provision	Compliance	Comment
		A request to vary the below ground floor space ratio development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
Consent authority considerations to exceed the maximum height shown for the land on the Height of Buildings Map or the maximum floor space ratio shown for the land on the Floor Space Ratio Map	Yes	The site specific controls provide for specific considerations when assessing an exceedance to the maximum floor space ratio, including, heritage, land uses, and loading and servicing. Subject to recommended conditions, the proposed development has appropriately addressed the requirements of this provision. Refer to further details in the 'Discussion' section below.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.7 Retail premises 7.9 Other land uses	Yes	The development does not propose car parking spaces and is consistent with the objectives.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	As the site is located within Central Sydney, and the development involves the creation of more than 100 sqm of gross floor area, it is subject to affordable housing contributions.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil and is located within approximately 175m of Class 2 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan (ASSMP) has been submitted with

Provision	Compliance	Comment
		the application to the satisfaction of the City's Environmental Health Unit. A condition of consent is recommended requiring all recommendations in the ASSMP to be implemented.
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The proposed development of the site has been subject to a Planning Proposal which informed the site specific provisions (Clause 6.3.25 of the Sydney DCP).
7.33 Sustainability requirements for certain large commercial development	Yes	The development satisfies the requirements of the sustainability requirements for large commercial development under this clause. The site is also subject to site specific controls relating to sustainability in Section 6.3.25.10 of the Sydney DCP 2012. Refer to further details in the 'Discussion' section below.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 2 – Locality Statements

45. The site is located within the Haymarket and Chinatown locality. The proposed development aligns with the unique character and design principles of the locality by preserving the historic character of the Sutton Forest Meat Company building and its contribution to the distinctive character of the area.
46. The development retains the building's heritage facades and preserves the street frontage height of the original structure, with the new tower addition set back at podium level. This design approach helps to maintain and enhance the urban character and scale of the Haymarket locality.

47. The proposal will improve the corner treatment of the building by introducing a turret element, which was part of the original design. This addition will make a positive contribution to the streetscape and enhance vistas along George Street and Valentine Street, within the heritage setting of Christ Church St Lawrence.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	A preliminary public art plan has been provided with the DA. The plan identifies opportunities for public art within the private laneway off George Street including within the ground plane, walls, and airspace. Council's Public Art team raises no objection to the location of the proposed public art. The plan identifies potential themes to incorporate into the public art including connecting to country and the Chinatown special character area. The preliminary public art plan provides a cost commitment as follows: - 0.5% of the cost of the development, in accordance with the VPA contribution; plus - 0.5% of the Capital Investment Value, in accordance with the Central Sydney Planning Strategy 2016-2036 Conditions of consent are recommended in Attachment A, which requires final details to be provided prior to the issue of Construction Certificate.
3.2.1.1 Sunlight to publicly accessible spaces	Yes	The proposed development is generally in line with the Planning Proposal for the site, which confirmed that the approved development envelope would not cause excessive overshadowing of the surrounding publicly accessible spaces affected by the development. The proposed development generally complies with the approved development envelope, except for minor exceedances. The applicant has submitted shadow diagrams demonstrating that these breaches will result in minimal additional overshadowing of the future Central Place Park. This additional impact is negligible and will not noticeably affect

Provision	Compliance	Comment
		the amenity provided by the park. Refer to further details in the 'Discussion' section below.
3.2.1.2 Public Views	Yes	The development envelope approved by the Planning Proposal setback the tower from the street along George Street and Valentine Street, preserving views towards Christ Church St Lawrence. The proposed development generally complies with the approved development envelope and the minor breaches of the envelope will not significantly impact upon views towards the church. Refer to further details in the 'Discussion' section below.
3.2.2 Addressing the street and public domain 3.2.3 Active Frontages	Yes	The proposed development has been designed to engage positively with the street, featuring welcoming active frontages for the ground-floor lobby and the hotel's food and beverage offerings. The ground floor ensures accessible entry to the hotel and bar directly from George Street, with visible internal spaces that help to activate the public domain and enliven the streetscape. The proposal strikes an appropriate balance between restoring the historic design of the original shopfronts of the building along George Street and Valentine Street, whilst ensuring the development provides appropriate activation of the street.
3.2.4 Footpath Awnings	Yes	The proposed development provides a footpath awning along the George Street frontage as required by the provisions of the DCP, in addition to a partial footpath awning along the Valentine Street frontage. The proposed awning is compatible with the scale and architecture of the heritage facades to be retained.
3.2.7 Reflectivity	Yes	The applicant has prepared a solar reflectivity of the study which confirms all glazing and materiality on the external

Provision	Compliance	Comment
		facades of the building will not exceed 20% and complies.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology. There are two street trees along George Street that will be retained and preserved. Conditions of consent are recommended in this regard. Whilst the development, being in Central Sydney, is not required to provide at least 15% canopy coverage within the site, tree plantings are proposed within the level 2 terraced area. A condition is recommended to provide further details of the soil volumes within the planter beds, prior to construction certificate.
3.6 Ecologically Sustainable Development	Yes	The applicant has completed the City of Sydney Design for Environmental Performance Statement. The statement identifies how the site demonstrates compliance with the relevant ESD targets, including the site-specific ESD controls applicable to the site.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. Refer to CI 5.21 of the SLEP compliance table above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	A condition of consent is recommended requiring both lots to be consolidated prior to the issue of a construction certificate. The City's Heritage team has advised that this will not result in any adverse impacts to the heritage significance of the site.
3.9 Heritage	Yes	761-763 George Street is a heritage item of local significance. The heritage listing identifies the item as "Former Commercial Building 'Sutton Forest

Provision	Compliance	Comment
		Meat' Including Interior" (1843). 757-759 George Street is not a heritage item. The site is not located in a Heritage Conservation Area, however there are a significant number of heritage items in the locality. The proposed design, as amended, is generally acceptable in terms of heritage impacts to the heritage item, and those located in the wider locality. Refer to the 'Discussion' section below.
3.10 Significant Architectural Building Types	Yes	The proposal retains the facades of the Sutton Forest Meats building and incorporates them into the proposal, thereby maintaining the legibility of the historic use. The applicant has submitted structural documentation and a construction methodology demonstrating how these facades will be safeguarded and protected throughout the construction process. A condition of consent is recommended requiring a Structural Engineer's Report to be submitted prior to the issue of a construction certificate, which is required to demonstrate how the retained building elements will be retained and supported.
3.11 Transport and Parking	Yes	The proposal is a non-residential development exceeding 1,000 square metres of GFA. As such, it generates a requirement for a Transport Impact Study, Green Travel Plan and Transport Access Guide under the relevant provisions of Section 3.11.1 of the Sydney DCP 2012. A Transport Impact Assessment report has been submitted with the application in accordance with these requirements, which has been reviewed by Transport for New South Wales and the City's Access and Transport Unit.

Provision	Compliance	Comment
		The latter has advised that it is acceptable with regard to the controls in Section 3.11.1 of the Sydney DCP 2012. Conditions are recommended in Attachment A to ensure the development of a Green Travel Plan and Transport Access Guide for the development. The development provides 56 bicycle parking spaces including 28 hotel and 28 retail spaces in compliance with the controls. The development proposes to widen an existing vehicle crossover on Valentine Street for on-site loading and servicing. The loading dock is designed to accommodate one SRV or two vehicles (vans / B99 vehicles), as confirmed by swept path analysis provided by the applicant. Council's Transport Planner has raised no objection to the proposal, subject to conditions, including a loading dock management plan.
3.12 Accessible Design	Yes	An Access Report prepared by Code Performance has been submitted to demonstrate that the proposal is capable of complying with the accessibility requirements of the Federal Disability Discrimination Act 1992 (DDA), National Construction Code, and Australian Standards. Appropriate accessible facilities are provided within the development.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The hotel and associated commercial premises, including the ground floor restaurant/bars, basement bar, and level

Provision	Compliance	Comment
		2 terrace and pool bar seek 24-hour operation. The detailed fit out and management of the commercial premises lack sufficient information to be approved in this development consent. A condition is recommended requiring a separate DA to be submitted to council. A future DA will indicate permitted hours in the decision notice. In accordance with site specific controls in the Sydney DCP 2012 6.3.25 the outdoor terrace pool is to be restricted to 7.00am - 8.00pm Monday to Friday. Refer to further details in the 'Discussion' section.
3.16 Signage and Advertising	Yes	Signage has not been proposed as part of this application. An appropriate condition of consent has been recommended to require a separate application for a signage strategy.
3.17 Contamination	Yes	As outlined in the SEPP (Resilience and Hazards) 2021, the proposal would not result in adverse risk to human and environmental health subject to recommended conditions.

4.4.8 Visitor accommodation

Provision	Compliance	Comment
4.4.8.1 General	Yes	The hotel does not share common access ways with adjoining properties. A Hotel Plan of Management has been submitted which includes provision for an on-site manager 24 hours per day, 7 days per week.
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes	The hotel development proposes a standard room size of 20sqm, with an accessible option of 26sqm.

Provision	Compliance	Comment
		Rooms are adequately sized to permit guests to store baggage and travel items within rooms.

Section 5 – Specific Areas

Provision	Compliance	Comment
5.1 Central Sydney		
5.1.1 Built form controls 5.1.1.1 Street frontage heights and street setbacks	Yes	The building setback provisions for the site are contained within Section 6.3.25 of the DCP and are discussed in the table below.
5.1.1.3 Side and rear setbacks and building form separations	Yes	Building form controls including side and rear setbacks are contained within the site-specific controls for the site in Section 6.3.25 of the DCP and are discussed further in the table below.
5.1.1.4 Built form, massing, tapering and maximum dimensions	Yes	The proposed development meets the objectives of this provision. Specific building form and tower controls are contained within the site-specific controls for the site in Section 6.3.25 of the DCP and are discussed further in the table below.
5.1.2 Development outlook and demonstrating amenity compliance	Yes	The proposed tower development is designed to reduce the impact of additional overshadowing on surrounding public domain areas. Further the proposed tower does not rely on neighbouring properties for access to views and light and is consistent with the requirements of this provision.
5.1.4 Building exteriors	Yes	The proposal has been appropriately designed to consider the street alignment, setback, and facade proportions of neighbouring buildings. The building exterior integrates with the masonry character of the area with modern materials, which allows the building to achieve a horizontal and vertical balance.

Provision	Compliance	Comment
		The proposal is considered to display a high quality of architectural design and detailing and provides a visually distinctive building.
5.1.6 Heritage Floor Space	Yes	Heritage Floor Space (HFS) is required to be allocated as the proposal seeks to utilise the accommodation floor space provisions and is located within Area 4. An appropriate condition of consent has been recommended.
5.1.7 Sun protection of public parks and places	Yes	The proposed development complies with the Prince Alfred Park Sun Access Plane.
5.1.8 Views from public places	Yes	The proposed development does not diminish the nominated views to the Central Station Clock Tower.
5.1.9 Managing wind impacts	Yes	The applicant has submitted a quantitative wind effects report. Refer to further details in the 'Discussion' section below.

Section 6 – Specific Sites

Provision	Compliance	Comment
6.3.25 757-763 George Street, Haymarket		
6.3.25.1 Building envelope	Partial compliance	The proposal results in a departure from the established building envelope. Refer to further details in the 'Discussion' section.
6.3.25.2 Haymarket Special Character Area	Yes	The podium street frontage includes fine-grained articulation that is sympathetic to the heritage building. The proposed building materials, colours and textiles are appropriate within the context of the Haymarket Special Character Area.
6.3.25.3 Heritage	Yes	The development includes the retention of the heritage fabric on the facade of the Sutton Forest Meat building.

Provision	Compliance	Comment
		A conservation management plan has been submitted by the applicant. Subject to conditions, the proposed development will respect and conserve the heritage features of the heritage features, including views and vistas of the site's surrounds. Refer to further details in the 'Discussion' section below.
6.3.25.5 Public Domain	Yes	The development has provided active frontages along George Street and Valentine Street with appropriate uses. Vehicle entry and some services are located on the far end of the building on Valentine Street, consistent with the controls.
6.3.25.6 Residential Amenity	Yes	The building has been appropriately designed to maximise residential amenity to neighbouring residential buildings, including the northern neighbour known as 'Capitol Terraces'. Refer to further details in the 'Discussion' section below. Level 2 of the proposed development includes an external terrace with pool area. An Acoustic report has been submitted to and reviewed by Council. This section states that the hours of operation are to be restricted to 7.00am to 8.00pm Monday to Friday. Refer to further details in the 'Discussion' section below.
6.3.25.7 Parking and vehicular access	Yes	There is no on-site parking proposed. A singular vehicular driveway access to the site from Valentine Street has been provided, which provides servicing, loading and delivery facilities. A turntable has been provided to ensure all vehicles enter and exit the site in a forward direction.
6.3.25.8 Wind		The applicant has submitted quantitative wind effects report. Refer to further details in the 'Discussion' section below.
6.3.25.9 Design Excellence Strategy	Yes	The proposal has been supported by a competitive design competition in line

Provision	Compliance	Comment
		with the City of Sydney Competitive Design Policy. The competition included 5 competitors, Bates Smart, DKO, Architecture AND, FJC Studio and Grimshaw.
6.3.25.10 Sustainability	No, but acceptable	The applicant has completed the City of Sydney Design for Environmental Performance Statement and submitted a Sustainability Report. This section states that a 5 Star NABERS energy rating is to be achieved. The applicant submits that the proposed hotel operator and the tenants of the commercial/retail premises are unknown, complexities arise when committing to such a high-performance operational rating, especially when considering no other hotel of comparable scale in Sydney has achieved and maintained a 5-star rating in operation. Instead, the development is committed to achieving an operational 4.5-star NABERS energy rating through implementing a range of complementary energy efficiency measures and controls. Council's environmental officer has reviewed the submitted information and has accepted a 4.5-start NABERS energy rating.

Discussion

Clause 4.6 Request to Vary a Development Standard - Below Ground Level Floor Space

48. The development application proposes a variation to a development standard under Clause 6.60F(6) of the Sydney LEP 2012 which relates to below ground level floor space ratio for 757-763 George Street, Haymarket.

49. Clause 6.60F(6) of the Sydney LEP 2012 states:

the maximum floor space ratio for the part of a building located below ground level (existing) is 0.63:1 if -

- (a) part of the building located at or above ground level (existing) will be used for the purposes of hotel or motel accommodation, and
- (b) the consent authority is satisfied the part of the building located below ground level (existing) will be used only for retail premises or entertainment facilities ancillary to the hotel or motel accommodation, and
- (c) there will be a separate entrance at street level that provides direct access to the part of the building located below ground level (existing).

50. With a site area of 1,030.7sqm, the 0.63:1 below ground floor FSR permits a maximum GFA of 649sqm.

51. The proposal comprises a below ground floor FSR of 0.74:1 (GFA of 763sqm), which represents a variation to the development standard of 17.5%.

52. Pursuant to regulation 35B of the Environmental Planning and Assessment Regulation 2021, a written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- (b) That there are sufficient environmental planning grounds to justify contravening the standard

Applicant's Written Request - Clause 4.6(3)(a) and (b)

53. The applicant seeks to justify the contravention of the site-specific below ground level floor space ratio development standard on the following basis:

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (a) The objectives of the Clause 6.60F standard are achieved notwithstanding non-compliance with the standard. The objective of Clause 6.60F is to encourage -
 - (i) Land uses other than residential accommodation or serviced apartments, and

Applicant Response: The proposal including below ground uses does not include residential accommodation or serviced apartments. The proposed additional below ground GFA includes end of journey facilities for use by the hotel and retail staff and are ancillary to the hotel.

- (ii) A satisfactory distribution of built form and floor space that is appropriate to the surrounding area, and

Applicant Response: The proposed additional below ground GFA does not affect the external built form as it is not visible from the public domain. The proposed below ground floor space is appropriate to the surrounding area as it provides a speakeasy / small bar as a retail use which activates the locality and contributes to the nightlife of Haymarket. It also includes end of journey facilities comprising showers, personal lockers and toilets for use by the hotel staff, supporting the operation of the hotel. In this respect, the distribution of floor space is considered appropriate and will not conflict with the surrounding area.

(iii) The adaptive re-use of a heritage item

Applicant Response: The proposed additional below ground GFA would support the adaptive re-use of the heritage item on site. As the proposed speakeasy / small bar and end of journey facilities would be located in the basement, it would not result in any visual impact on the heritage item and would facilitate the adaptive reuse of the heritage item for active uses and hotel facilities within the podium.

(b) The objectives of the Clause 4.4 standard are achieved notwithstanding non-compliance with the standard. The objectives of Clause 4.4 are as follows-

(i) To provide sufficient floor space to meet anticipated development needs for the foreseeable future

Applicant Response: The additional below ground floor space has been designed to provide sufficient floor space to accommodate retail use; ancillary hotel services; and end of journey facilities in the basement. The proposed speakeasy / small bar in Basement 1 is provided in accordance with Clause 6.60F6(b) to provide for retail premises that ancillary to the hotel. This will support the provision of active, cultural and late night uses that has direct access to street level, contributing to the viability of the development and promoting night life and activation in Haymarket.

(ii) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,

Applicant Response: The additional below ground GFA is located entirely in the basement and is not visible from the public domain. The perceived built form of the development would be the same regardless of the provision of additional below ground floor space. The additional GFA of 113.7m² is relatively minor across the entire development and will not increase the land use intensity of the development. Rather, it enables the provision of a speakeasy / small bar as a retail use in accordance with Clause 6.60F(6)(b) and the end of journey facilities required under Section 3.11.3 of SDCP 2012. Regarding traffic, while the speakeasy / small bar has direct access to street level, guests will access the premise on foot or by public transport. No on-site parking is provided for guests. Further, the provision of end of journey facilities will also encourage the hotel staff to travel to and from work by active transport modes (walking and cycling). No carparking is proposed for the development and the additional below ground GFA is not anticipated to significantly increase the generation of vehicle traffic.

- (iii) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,

Applicant Response: The proposed additional below ground floor space does not significantly intensify the development beyond the level of a compliant development. The proposed below ground floor space will benefit from the proximity to the Haymarket Light Rail Station, bus services and the Central Station providing train and Metro services. The additional below ground GFA of 113.7m² is capable of being serviced by the existing and planned infrastructure.

- (iv) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.

Applicant Response: The proposed additional GFA is consistent with the desired character of the Haymarket/Chinatown Special Character Area as identified in Section 2.1.3 of SDCP 2012, particularly in relation to conserving the heritage item on site and maintaining the low building height of the heritage item as a historically significant corner building. The proposal has also been designed to maintain the vistas along Valentine Street to Christ Church St Laurence.

The proposed additional below ground floor space is also consistent with the Haymarket and Chinatown Revitalisation Strategy in that it contributes to the renewal of the Market District of Haymarket, providing a speakeasy / small bar as an active use, adding to the vitality of George and Valentine Streets. The speakeasy / small bar will benefit from above ground retail uses and collectively improving the quality of retail floor space within Haymarket.

That there are sufficient environmental planning grounds to justify contravention of the standard:

- (a) The additional below ground GFA results from the proposed speakeasy / small bar as a retail use in accordance with Clause 6.60F6(b) and the provision of end of journey facilities in Basement 2 in accordance with Section 3.11.3 of SDCP 2012.
- (b) The proposed speakeasy / small bar is provided as a below ground retail use which will support cultural and late night uses in the locality, contributing to the viability of the development and promoting the late-night economy and activation in Haymarket.
- (c) The provision of end of journey facilities is required to provide suitable amenities for staff and support the operations and functionality of the hotel development.
- (d) The proposed additional below ground floor space is entirely located in the basement and does not alter the external appearance of the proposed built form. There are no visual impacts arising from the proposed below ground FSR variation. The perceived built form of the development would be the same regardless of the provision of the additional below ground FSR for the speakeasy / small bar and end of journey facilities.

- (e) The proposed variation to the maximum below ground FSR is not anticipated to result in any unacceptable amenity impacts. A Plan of Management has been prepared by Tuscan Corp for the proposed development, including the food and drink premises. The speakeasy / small bar will comply with the patron capacity and any liquor licence approval as stipulated in the development consent.
- (f) The Acoustic Assessment prepared by PWBA also concludes that the proposal is acoustically acceptable and meets all the detailed acoustic criteria with recommendations provided for the design and construction phases of the project.
- (g) The proposed end of journey facilities do not result in any amenity impacts as they are of a specialised nature and are not occupied by people for extended periods.
- (h) The provision of end of journey facilities will encourage the hotel staff to use active transport modes (walking and cycling) to travel to and from the site, which is located in a highly accessible location in Central Sydney.

Consideration of Applicant's Written Request - Clause 4.6 (3)

54. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the written request adequately address those issues at Clause 4.6(3) (a)?

55. The applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.
56. The applicant states that compliance with the standard is unreasonable or unnecessary as the proposal is consistent with the objectives of Clause 6.60F and Clause 4.4 of the Sydney LEP 2012.
57. It is agreed that the proposal is consistent with the objectives of Clause 6.60F of the Sydney LEP 2012. The proposal provides for appropriate land uses of hotel accommodation and associated commercial uses. The distribution of the built form and floor space is appropriate for the area, with the exceedance limited to below ground level which will not provide for additional bulk and scale to the building. The proposal retains the heritage facade and the additional floor space does not impede on the preservation of the fabric.
58. It is agreed that the proposal is consistent with the objectives of Clause 4.4 of the Sydney LEP 2012. The exceedance provides for a speakeasy / small bar ancillary to the hotel. This will support the provision of active, cultural and late night uses that has direct access to street level, contributing to the viability of the development and promoting night life and activation in Haymarket.

Does the written request adequately address those issues at clause 4.6(3)(b)?

59. The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard.
60. It is agreed that additional below ground floor space is entirely located in the basement and does not alter the external appearance of the proposed built form. There are no visual impacts arising from the proposed below ground FSR variation.

61. It is agreed that the additional floor space is not anticipated to result in unacceptable amenity impacts, subject to recommended conditions including compliance with the Acoustic Report.
62. It is agreed that the provision of end of journey facilities will encourage the hotel staff to use active transport modes (walking and cycling) to travel to and from the site.

Conclusion

63. For the reasons provided above the requested variation to the Clause 6.60F(6) is supported.

Consideration of Clause 6.60F(7)

64. Clause 6.60F(7) states that development consent must not be granted to the erection of a building that exceeds the maximum floor space ratio unless the consent authority is satisfied -

- (a) the heritage item on the land will be retained and conserved

Response: The proposed development will preserve and conserve the remaining original heritage fabric on site, which is limited to the facades fronting Valentine Street and George Street. The applicant has submitted structural documentation and a construction methodology demonstrating how these facades will be safeguarded and protected throughout the construction process.

Given the limited extent of surviving original fabric, the development will also reinstate key historical features, including the original shopfront detailing and the architectural design intentions for the building. This includes the reconstruction of a turret at the corner of Valentine Street and George Street at podium level.

Accordingly, the proposal will both preserve and enhance the site's heritage significance in line with the principles of the Burra Charter. The proposed additions are designed to be sympathetic to the original character of the building and will not diminish its heritage value.

- (b) the development will result in business premises and retail premises at street level

Response: The proposed development will deliver food and beverage offerings and hotel lobby uses at street level to activate the street along the George Street and Valentine Street frontages of the building.

- (c) Adequate provision will be made for the following within the site -
 - (i) The loading and unloading of goods,
 - (ii) Vehicle access, including emergency vehicles.
 - (iii) The collection and management of waste

Response: The proposal has been reviewed by Council's Transport and Access team, who have confirmed that the design of the loading dock accommodates dual vehicle use and offers flexibility to meet varying loading requirements.

Council officers are satisfied that the loading dock has the capacity to support two to three times the estimated servicing demand, and that the development can be adequately serviced.

- (d) The building will not be used for residential accommodation or serviced apartments

Response: The application does not propose any residential uses or serviced apartments

Consistency with the site specific DCP controls

65. The proposal is predominantly consistent with the site specific controls under SDCP 2012 6.3.25 for 757- 763 George Street, Haymarket. A detailed assessment is provided below.

Building envelope

66. The proposed building envelope results in a departure from the established DCP envelope.
67. The southern portion of the crown extends beyond the established DCP envelope as illustrated in Figure 31 below. The applicant submits the exceedance is due to alternative roof top configuration.
68. Minor non-compliances arise throughout the tower to the northern and southern elevations as illustrated in Figure 32 below. The applicant submits the exceedance is due to a rectilinear footprint, and improved articulation.
69. The proposed awning above the L2 terrace encroaches outside the site-specific envelope as illustrated in Figure 34 below.
70. Large reductions in the envelope are incorporated to north (Levels 2-28) and west (Levels 5-28), and the upper roof level.

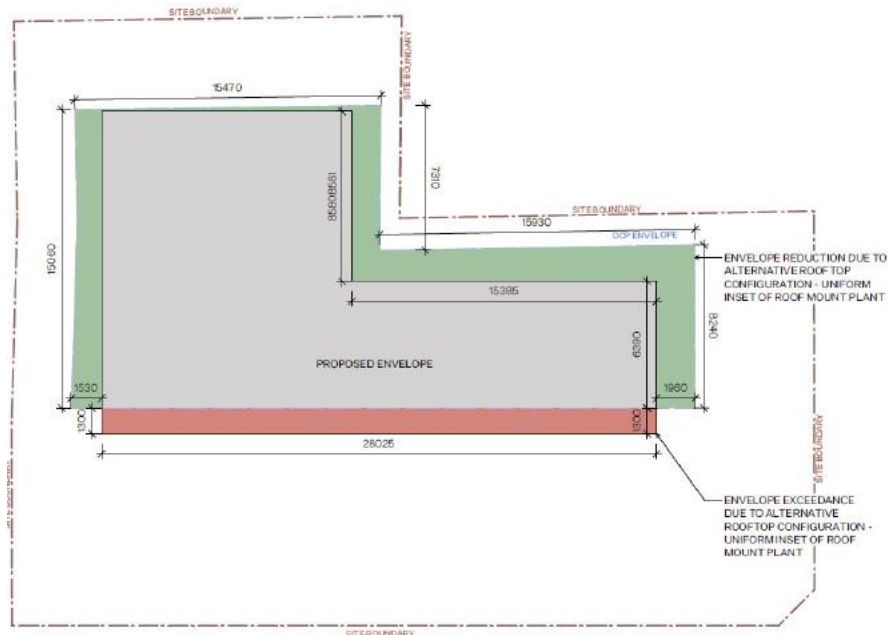


Figure 31: DCP envelope comparison plan; upper roof level. Red illustrates area of exceedance; green illustrates area of reduction

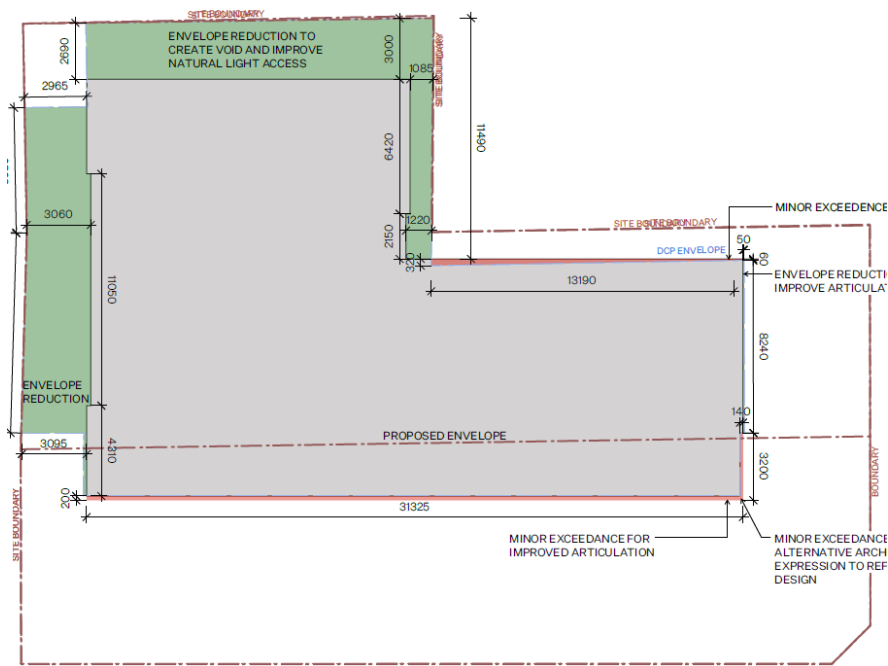


Figure 32: DCP envelope comparison plan; tower component. Red illustrates area of exceedance; green illustrates area of reduction

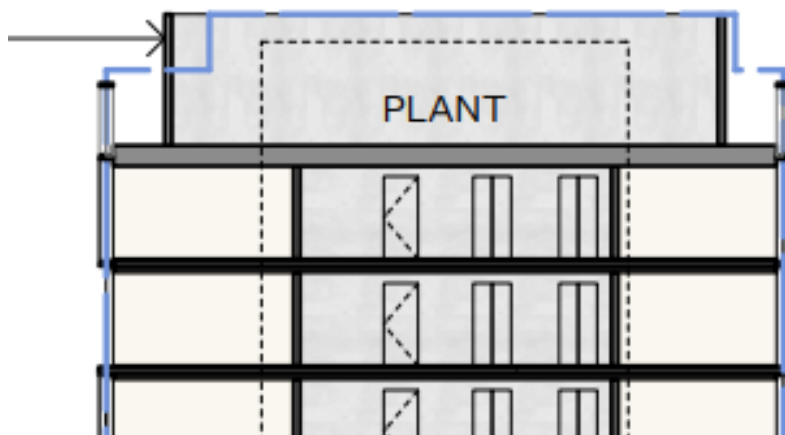


Figure 33: DCP envelope (shown in blue) comparison, illustrating exceedance at the upper level roof

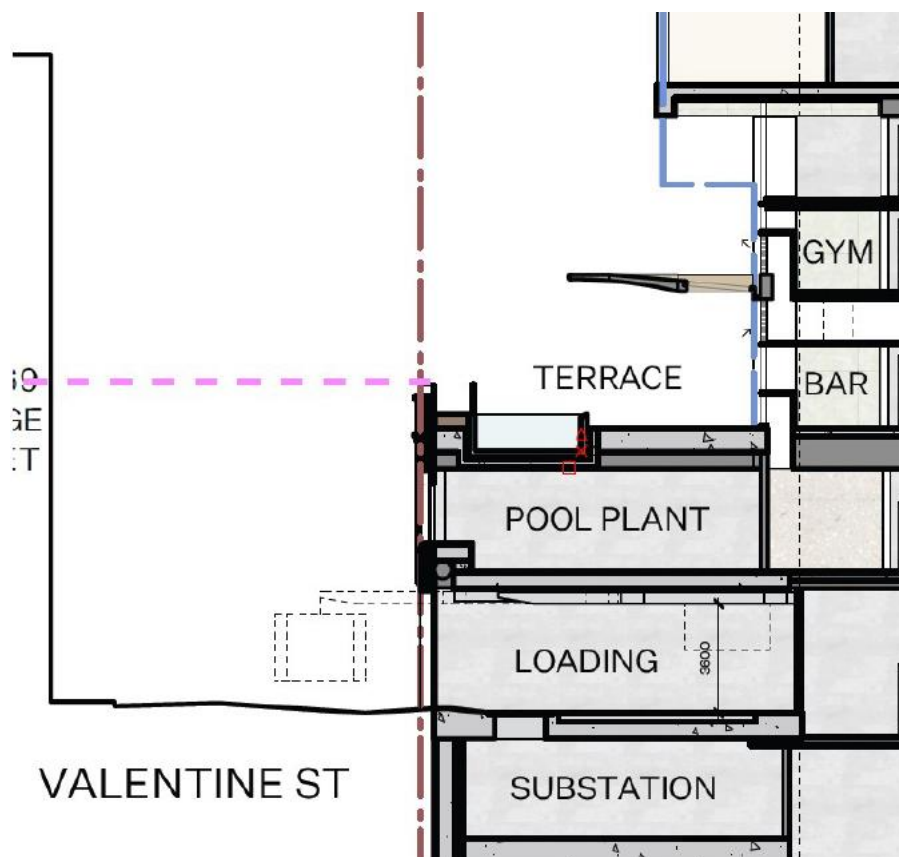


Figure 34: DCP envelope (shown in blue) comparison elevation, illustrating exceedance at the level 2 awning.

71. The envelope exceedances are acceptable in this instance for the following reasons:
- (a) The proposal is consistent with the height control of RL 117.87m. The street wall height and upper podium height are consistent with the controls.
 - (b) The area of exceedance does not contribute to additional gross floor area.

- (c) Whilst there is some additional overshadowing that was not anticipated by the site specific envelope, the overall impacts are minor based on the provided mid-winter shadows:
 - (i) Up to 10am, the overshadowing lies within existing shadows;
 - (ii) At 11am, there is a minor additional shadow on the carriageway of George Street of approximately 11sqm;
 - (iii) At 12noon, there is an additional overshadowing on the carriage way of approximately 13sqm and approximately 3sqm over the future Central Place Park.
 - (iv) At 1pm, there is minor overshadowing, approximately 2sqm, over the future Central Place Park;
 - (v) At 2pm and 3pm there is minor overshadowing, approximately 2-3sqm over Central Railway tracks and platforms'.
 - (vi) Noting that the additional overshadowing between 11am and 3pm could also be somewhat offset by the reduction in overshadowing where the building sits comfortably within the building envelope.
- (d) The proposed awning is a lightweight structure with added skylights to soften the appearance. The awning remains setback from building edge to maintain separation between the historic facades and new fabric. The awning is provided for weather protection including sun shading and wind mitigation and is in an appropriate location for the site. The awning will not result in significant impact upon views towards the church.
- (e) On balance, the proposal presents an appropriate bulk and scale for its location and is consistent with the objectives of Section 6.3.25 of the Sydney DCP 2012.

Heritage

- 72. The subject site contains local heritage item, the former Sutton Forest Meat Company building that fronts the intersection of George and Valentine Street. State heritage item, Christ Church St Laurence is located on the eastern side of the George Street opposite the subject site. The subject site is also located within the Haymarket/Chinatown Special Character Area.
- 73. The proposed building envelope has been designed to respond to the surrounding area and heritage buildings, in particular Christ Church St Laurence. The envelope includes tower setbacks and a two-storey street frontage consistent with DCP requirements. The new tower will also be positioned to preserve views along George Street, north towards Town Hall and south to Railway Square, of which Christ Church St Laurence views will be unaffected. An eight metre tower setback to Valentine Street will preserve views towards the Church and provide visual curtilage and open sky setting for the Church.
- 74. Whilst the proposed building envelope results in minor inconsistencies with the maximum building envelope as noted above, the proposal generally retains suitable heritage preservation to the surrounding environment.

75. Whilst the proposed pool awning 'is a lightweight structure and remains setback from building edge to maintain separation between the historic facades and new fabric, the awning will not cause significant impact upon views towards the Church.
76. The proposal retains and protects the facades of the existing Sutton Forest Meats Building. The applicant has provided a retention methodology and structural report to support the retention including external bracing frames. Given the narrow footpath on Valentine Street, the applicant proposes a works zone across part of the roadway in the street parking / loading area. Council's City Infrastructure and Traffic Operations has advised this is acceptable in principle. A condition of consent is recommended to ensure the submitted structural support design is implemented and followed. Further design details are requested prior to construction, including the protection of the wall tiles and decorative motifs on the exterior of the shop building.
77. The proposal will improve the corner treatment of the building by introducing a turret element, which was part of the original design.
78. The applicant has provided a Conservation Management Plan and includes an assessment of fabric, Schedule of Conservation Works and recommended policies for management of the place. The conservation works include the reinstatement of the original treatment of the brickwork on the Valentine Street frontage and reinstatement of the original shopfront. The CMP notes that the glazing and framing to the first floor windows are contemporary aluminium (c.1986) yet it is silent on the restoration of the original timber frames for these windows. A condition is recommended that the windows to these first floor elevations are reinstated with timber frames which more closely resemble the original.

Wind

79. Wind tunnel testing was undertaken at planning proposal stage. A Pedestrian Wind Environment Study prepared by Windtech accompanied the planning proposal, which assessed pedestrian wind comfort and safety levels resulting from the indicative building envelope on the subject site through wind tunnel testing.
80. The wind tunnel testing done at planning proposal stage found that subject to retention of the heritage awning and a northeast facing chamfer at ground level, adjacent to George Street, the proposal would result in an acceptable wind environment. The subject DA has included these elements in the detailed design.
81. Further wind tunnel testing has been undertaken at the development application stage. A Pedestrian Wind Environment Study prepared by Windtech, dated 30 September 2024 accompanied the development application. The study concludes that the wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, one area located on the eastern portion of the Level 2 terrace was anticipated to experience winds which exceed the relevant criteria for comfort. The design of the level 2 terrace has been refined to include non-trafficable areas subject to strong winds.
82. At the time of the lodgement of the DA, a separate application was lodged for the neighbouring site at 187-189 Thomas Street, for a 50-storey tower. The building envelope for 187-189 Thomas has been approved under a separate planning proposal. In this regard, council officers requested the applicant conduct a cumulative wind impact study for both building envelopes. The DA for 187 Thomas Street has since been withdrawn but considering that there is a planning proposal in place, Council officers have considered the cumulative wind impacts.

83. A cumulative pedestrian wind study report has been prepared by Windtech, dated 1 April 2025. The report detailed areas of strong wind along George Street and the level 2 terrace which exceed the relevant criteria for comfort. The report concluded that with the addition of a wind barrier on the level 2 terrace, and retention of existing street trees along George Street, wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses. Council officers raised concern with the reliance of existing vegetation as a wind mitigation measure.
84. The applicant consulted further with Windtech, who advised that they have recently updated their meteorological data for the Sydney region to include an additional nine years' worth of data. The westerly winds have seen a significant reduction in wind speed. When applying this to the development, there are now several points along George Street passing the wind criteria that were previously failing in the report dated 1 April 2025. In a revised report dated 14 May 2025, there is now only one point located at the George Street entrance of the site, failing the wind comfort criteria from standing by a marginal 0.1m/s exceedance. The exceedance is considered acceptable for use as a pedestrian thoroughfare for walking with a marginal exceedance of the standing wind comfort criterion.
85. Notwithstanding the above, when the building envelope is assessed on its own merits, wind implications comply with the relevant criteria. The onus of demonstrating any future impacts from resulting from an additional building at 187-189 Thomas Street will fall on any future applicant.

Residential Amenity

86. Hotel rooms are proposed to the northern elevation of the tower, which have direct interface with the residential dwellings in the 'Capitol Terraces' at 743-755 George Street.
87. Privacy preservation measures have been undertaken to ensure that any concerns are mitigated as follows:
 - (a) The extent of glazing to the hotel rooms on Levels 4-9 (the levels potentially impacting on 743-755 George Street) has been reduced. Whereby the upper levels contain full width glazing, it is reduced to approximately 50% of the room width to these levels.
 - (b) The north-eastern room contains glazing to one corner bay only, consisting of frosted glazing.
 - (c) Louvre screening is overlaid on the remaining glazed bays, with louvre blade spacing and direction configured to explicitly prevent views to neighbouring glazing.
88. As illustrated in Figure 35 and 36 below, the proposed glazing and louvres result in the indicated view zones, demonstrating that view lines between the hotel rooms and adjacent residential windows are not present.
89. It is important to note the Capitol Terrace does not benefit from an easement for light and air from the side boundary. The current amenity is 'borrowed' from the subject site through openings places on or near the side boundary of the subject site. Preservation of this amenity is dependent on the subject site not being developed.

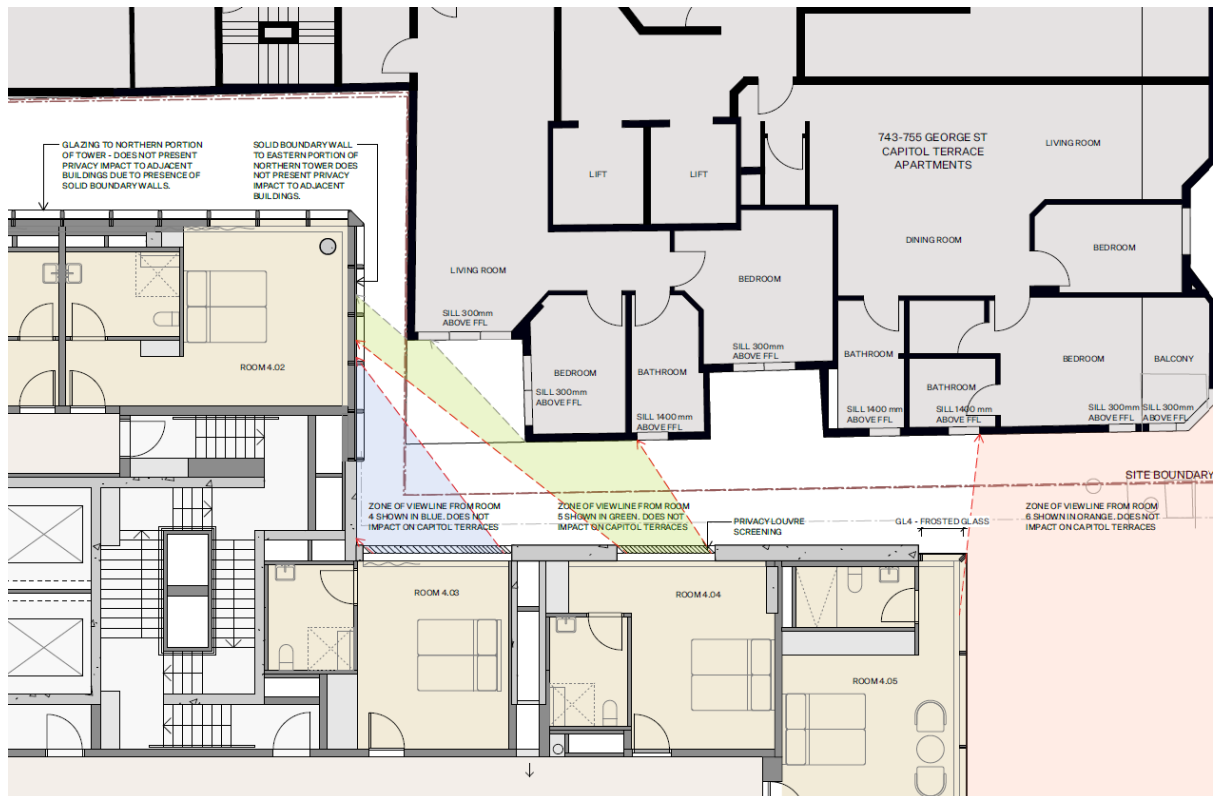


Figure 35: Illustrating view lines to the northern residential use (Level 4)

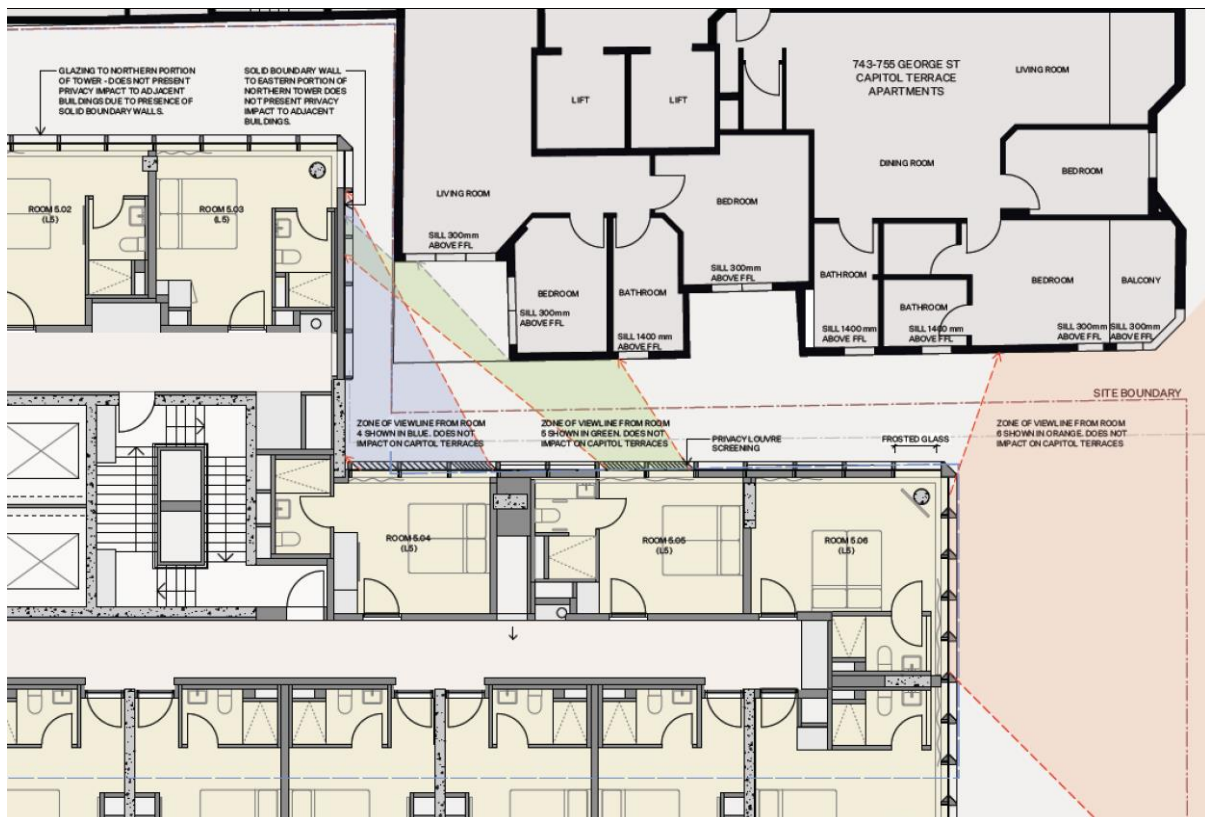


Figure 36: Illustrating view lines to the northern residential use (Levels 5-9)

90. The development proposes an outdoor pool and terrace bar on Level 2. The pool is located on the southern side of the tower facing Valentine Street.
91. In accordance with DCP Section 6.3.25.6 the outdoor terrace is to be restricted to 7.00am - 8.00pm Monday to Friday. The control is to safeguard the residential amenity of the 'Capitol Terraces' located to the north of the site.
92. The site is located in a late night management area in accordance with Section 3.15 of the Sydney DCP 2012. Permitted base hours for Category B premises in a late night management area outdoors are until 10.00pm, Monday to Sunday. Extended hours can be permitted outdoors until 1am.
93. The applicant has submitted a request for the outdoor terrace to be permitted hours until 12midnight.
94. The location of the pool and outdoor terrace to the south will allow the tower to block noise emissions to the north. There are no residential receivers located south of the site. In the context of the site being in the CBD, hours of operation until 12midnight is not likely to result in negative impacts to its surrounds.
95. A condition is recommended to permit the use of the pool and terrace bar for the hours of 7.00am - 12.00pm, Monday to Sunday, consistent with Section 3.15 of the Sydney DCP 2012.
96. Subject to recommended conditions, the use of the external terrace will not have an adverse impact to adjacent residents

Design Advisory Panel (DAP)

97. The application was presented to the Design Advisory Panel on 28 November 2024. A response to the recommendations of the Panel is provided below.

DAP Advice	Response
Recommend that a consolidated wind study be prepared that addresses the cumulative impacts of surrounding development and adjacent 187-189 Thomas Street DA proposal with this proposal.	A consolidated wind study has been prepared that addressed the cumulative impacts of the subject proposal and future tower proposal at 187-189 Thomas Street. Refer to further details above under the heading 'Wind'.
Recommend that the proposal address coach drop-off in Valentine Street and the arrival experience for visitors.	The proposal will utilise existing loading zones and parking along Valentine Street and George Street in the event that a coach drop off is required. This arrangement has been reviewed by TfNSW and Council's Transport Planner. The site is well serviced by public transport including Central Station, reducing need for coaches servicing the development.

DAP Advice	Response
Recommend that the concierge be located on Valentine Street or on the corner of George and Valentine.	Re-locating the concierge has been explored by the applicant however retained to the northern side of George Street. It is considered that the ground floor design will appropriately activate George Street.
Connecting to Country does not meaningfully relate to the through-site link. Recommend that public art is further considered and not be reduced to a lobby work.	There is no planning requirement for a through-site link on the site. The applicant has consulted with the Metropolitan Local Aboriginal Land Council and Aboriginal stakeholders who live and work in the area. The Aboriginal cultural heritage values and recommendations were developed in a Connecting with Country report. Opportunities for integrating Connecting with Country into the public art locations identified in the Preliminary Public Art Plan include: • Integrated public artworks - Suspended artwork in the laneway • Mural by Indigenous artist on the laneway walls • Ground plane elements in the laneway enabling effective heritage interpretation • Naming and use of the local Sydney Language within the artwork • Gathering spaces and seating integrating heritage interpretation • Interpretive panels or plaques to accompany artwork • Native plantings to be included in Pepperday place and Level 2 The report also includes alternative opportunities to Connect with Country for example; identification of Indigenous Cultural Intellectual Property (ICIP) protocols, commissioning Welcome to Country ceremonies at key milestones and providing

DAP Advice	Response
	local Aboriginal tour guides with information about public artworks.
Note that the through-site link is comprised due to adjoining buildings and levels. Removal of the link to prioritise Valentine Street public domain would be acceptable	The amended scheme has removed the initially proposed through-site link.
Support further investigation of the pool structure, noting the importance of detailing. Additional structure should not compromise the ground floor.	The applicant has provided additional structural methodology to support the proposed pool.
Recommend that the pool awning be more minimal, and suggest full glazing, lowering, or reducing size of awning. The need for wind amelioration is noted.	The pool awning has been amended to present as a lightweight structure with added skylights to soften the appearance.
Recommend that natural light to hotel floor corridors be improved by the inclusion of a glass lift on the western facade.	The development provides for a solid wall to the west to provide privacy to the future development at 187-189 Thomas Street.
Recommend that natural ventilation to hotel floors be improved, including at least one operable window.	The approach to natural ventilation for the hotel rooms has been explored and considered by the applicant. The initial approach has been retained, with fresh air supply provided via the mechanical ventilation system. This approach has been informed by the applicant's ESD consultant during the design development stage as it provides the most optimal approach to energy consumption. It is noted that the controls do not require hotel rooms to be naturally ventilated.

98. Overall, the proposal has generally addressed the recommendations of the Competition Jury, the DAP and Council Officers and maintains the design integrity of the competition winning scheme. The proposed development satisfies the matters required to be considered under Clause 6.21C of Sydney LEP 2012 and accordingly, exhibits design excellence.

Laneway Resolution

99. The northern boundary of the subject site includes a shared private laneway subject to a right of carriageway in favour of the site which permits access to an undeveloped portion in the northwestern corner of the site that has been used as an open carpark.

100. The original application proposed a through-site link with a break through connection to adjacent development 187-189 Thomas Street. At the time of lodgement, a development application was concurrently lodged with 187-189 Thomas Street. However, the coordination of the through-site link was not resolved, and the Thomas Street DA has since been withdrawn.
101. The applicant has removed the through-site link from the proposal. It is noted that there is no LEP or DCP provisions that require a through-site link on the site.
102. The proposed laneway, as amended, will be activated with a public art offerings, leading to the lobby space and hotel bar. All proposed works as part of this DA are limited to the site boundary and will not extend to the adjoining site. The applicant has provided information confirming that the shared lane will be delivered as a single unified space at the same grade.
103. There is no easement restricting redevelopment of the southern portion of the lane. A Fire Engineering Statement has been submitted with the application confirming that the adjacent site does not rely on use of the laneway outside the lot boundary and lot ownership.

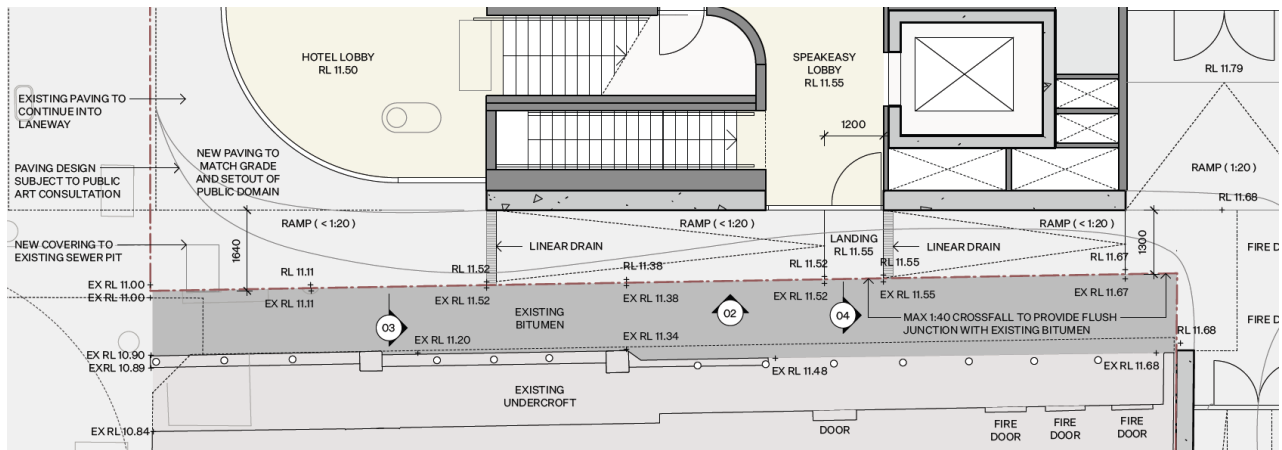


Figure 37: illustrating resolution of shared private laneway



Figure 38: Photomontage of shared private laneway

Consultation

Internal Referrals

104. The application was discussed with Council teams:

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

105. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in Attachment A.

External Referrals

Ausgrid

106. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
107. A response was received raising no objections to the proposed development and recommending safework conditions regarding underground and overhead power cables, as well requiring the development to comply with relevant Ausgrid easements.

Transport for NSW

108. Pursuant to Section 2.99 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW for concurrence.
109. Concurrence was received on 18 March 2025. Conditions of consent were recommended which are included in Attachment A.

Advertising and Notification

110. In accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and advertised for a period of 28 days between 14 November 2024 and 13 December 2024. A total of 844 properties were notified and 19 submissions were received. The amended plans were not required to be notified as they did not result in additional impacts from the original proposal.
111. The submissions raised the following issues:
 - (a) **Issue:** The proposed use not suitable for the site.

Response: The proposed development is consistent with the Central Sydney Planning Strategy and objectives of the SP5 Metropolitan Centre. A planning proposal has been approved for the site, which supports and plans for a hotel use. The desired use of a hotel has been further expressed in site specific controls. The proposal will also provide positive public benefits through the provision of activated street frontages with ground floor commercial premises.
 - (b) **Issue:** The overall height of the development and negative visual impacts on the surrounding locality.

Response: The proposal complies with the relevant height controls prescribed for the site.

- (c) **Issue:** Overshadowing impacts to the Christ Church St Laurence and 505 Pitt Street.

Response: Solar access and overshadowing impacts were considered and assessed at length as part of the planning proposal to adopt the DCP building envelope. While the proposal includes minor variation to the DCP envelope, the proposal results in negligible changes to the shadow casts created by the DCP envelope. The applicant has provided overshadowing diagrams illustrating where the proposed development will cast shadow during mid-winter, when the sun is lowest in the sky. The shadow diagrams illustrate that the proposal will not have an unreasonable impact on the church. The shadow diagrams illustrate that the building at 505 Pitt Street is already overshadowed by existing development in the surrounding area at mid-winter.

- (d) **Issue:** Concerns raised that the development would negatively impact on the heritage, architectural, historical and aesthetic significance of the Christ Church St Laurence.

Response: The proposal has been designed to respect the significance of Christ Church St Laurence. The building envelope has been designed to protect important views towards Christ Church St Laurence along Valentine Street, providing sufficient sky view around item.

- (e) **Issue:** Concerns relating to noise and activity impacts of the proposed terrace/pool deck on church operations and services. Request for limitations and restrictions upon the use of this space.

Response: An Acoustic Assessment was submitted with the DA and reviewed by Council's Health and Building Unit, who raised no objection to the proposal, subject to recommended conditions. The hours of use of the pool terrace will be restricted under conditions of consent.

- (f) **Issue:** Overlooking impacts from the lower podium floors that provide large glazed windows to George Street, directly overlooking the Church which is ceremonial where funerals, weddings, etc gather and spend time.

Response: The proposal and the Church are adequately separated by George Street. The proposal has also been designed to prevent direct sightlines into the Church. Given the height of the gym being on Level 3 of the proposed building, it is not anticipated that users will be looking into the space within the Church through the door on ground floor.

- (g) **Issue:** Potential construction impacts upon the structural integrity of the Church.

Response: A Geotechnical Report was submitted as part of the DA to provide preliminary geotechnical advice for the proposal. Prior to excavation and construction, detailed dilapidated surveys will be carried out on all structures and infrastructures surrounding the site that falls within the zone of influence of the excavation (subject to the agreement of the neighbouring owners).

- (h) **Issue:** Concerns related to traffic generation and pressures on parking due to the development not providing its own parking.

Response: The proposal provides nil carparking to encourage the use of public transport options, leveraging the site's proximity to the Central Station which provides trains, Metro and bus services. The site is also in close proximity to the Chinatown light rail station. The proposed nil carparking is consistent with Council's approach to the provision of minimal carparking in the LGA to minimise the amount of vehicular traffic generated by the development.

- (i) **Issue:** Wind impacts on George Street

Response: Wind impact reporting has been provided by the applicant and includes the cumulative impacts from approved planning envelope at 187-189 Thomas Street. Based on the provided information, wind implications are considered acceptable. Refer to further details in the 'Discussion' section of this report.

- (j) **Issue:** Impact on Chinatown with little reference or incorporation to Chinatown or its history and significance in the design public art, character of community amenities for this development.

Response: The applicant has provided an amended public art strategy which includes an analysis of the public art within the Haymarket and Chinatown Special Character Area. The Strategy also recognises the culturally diverse identity of the area and gives consideration to Council's public art vision for Haymarket / Chinatown. In addition, the proposal has been designed to provide active uses such as food and drink premises on ground level to interact with the vibrancy of Chinatown

Financial Contributions

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

112. The Central Sydney Development Contributions Plan 2020 applies to the site. The cost of the development is over \$250,000. The development is therefore subject to a s7.12 contribution under this Plan. A condition relating to this contribution has been included in the recommended conditions. The condition requires the contribution to be paid prior to the issue of a construction certificate, in accordance with the Voluntary Planning Agreement.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

113. An Affordable housing contribution is required in accordance with Section 7.32 of the Environmental Planning and Assessment Act.
114. The site is located within the Central Sydney affordable housing contribution area. As the proposed development includes the creation of more than 100 sqm of floor space, a contribution is required.
115. A Total Floor Area (TFA) of 17,108sqm has been calculated for the development based on the definition of TFA contained in Clause 7.13 of the SLEP 2012.

116. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

Housing and Productivity Contribution

117. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
118. The site is located with the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
119. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

120. Environmental Planning and Assessment Act 1979.

Conclusion

121. The proposal seeks consent for the construction of a new 31-storey mixed use hotel and commercial building at 757-763 George Street, Haymarket.
122. The merits of the proposal have been assessed, taking into consideration the issues raised in the submissions. The development has been designed having regard to the opportunities and constraints of the site and provides a built form which generally complies with the relevant planning controls, and appropriately responds to the existing and future surrounding built form within the Haymarket / Chinatown Special Character Area.
123. The proposal will provide positive public benefits through the provision of activated street frontages with ground floor commercial premises. The proposed land uses are permissible and consistent with the land use objectives.
124. It is recommended that development consent be granted, subject to conditions of consent to ensure that the development does not result in adverse impacts to the surrounding locality. The recommended conditions will also ensure that the construction and use of the development does not adversely impact surrounding development or the surrounding environment.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Christina Robinson, Specialist Planner