



IRF22/2468

Gateway determination report – PP-2020-1110

757-763 George Street, Haymarket

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal prepared by City of Sydney– May 2022
Traffic Impact Assessment prepared by Traffix– 30 October 2020

Daylight Analysis prepared by LCI – 28 September 2020

Preliminary Geotechnical Report prepared by eiaustralia– 8 September 2020

Pedestrian Wind Environment Study prepared by Windtech – 30 October 2020

Heritage Impact Statement prepared by Weir Phillips Heritage – October 2020

Historical Archaeological Statement prepared by Austral Archaeology – September 2020

Economic Impact Assessment prepared by Hill PDA – 7 September 2020

Noise Impact Assessment prepared by White Noise Acoustics – 2 September 2020

Supply and Demand Analysis prepared by SMA Tourism – 3 September 2020

Remediation Action Plan prepared by eiaustralia – October 2020

Flood Certification Statement prepared by Australian Consulting Engineers – 9 September 2020

Architectural Design Report prepared by Grimshaw – October 2020

Landscape Plan prepared by Site Image Landscape Architects – September 2020

Proposed Design Excellence Strategy prepared by Mecone

Survey Plan prepared by Total Surveying Solutions – 9 December 2015

Stormwater Concept Plan prepared by Australian Consulting Engineers – 29 September 2020

Draft Sydney Development Control Plan 2012 – May 2022

Preliminary Public Art Plan prepared by Site Image – September 2020

Services Design Brief prepared by LCI– 24 September 2020

Planning Proposal Justification prepared by Mecone– October 2020

Ecologically Sustainable Development prepared by LCI – 24 September 2020

Planning Agreement – Public Benefit Offer – 2 May 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Sydney
PPA	City of Sydney Council
NAME	757 - 763 George Street, Haymarket (0 homes, 120 jobs)
NUMBER	PP-2020-1110
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
ADDRESS	757-759 and 761-763 George Street, Haymarket
DESCRIPTION	Lot 11 DP70261, Lot 1 DP 1031645
RECEIVED	25/05/2022
FILE NO.	IRF22/2468
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

This proposal seeks to amend Part 6, Division 5 - Site specific provisions of the *Sydney Local Environmental Plan 2012* (LEP) by inserting an additional clause to establish site specific planning controls for 757 - 763 George Street, Haymarket.

The proposal will enable redevelopment of the site for a mixed-use commercial building with 11,435sqm of employment floorspace predominately for hotel (280 rooms) and ground floor retail. It includes adaptive reuse of the former Sutton Forest Meat Company building which is a local heritage item.

The objectives of the proposal are to:

- Facilitate the goals within the Central Sydney Planning Strategy 2022 by developing a commercial/hotel tower within the Haymarket/Chinatown Tower Cluster Area.
- Generate accommodation relevant to mid-range hotel need trends; for more affordable hotel-options due to the oversupply of high-end accommodation.
- Generate an increase in employment and employment floor space.
- Facilitate the adaptive reuse of the Sutton Forest Meat Company as a heritage item and support its continual maintenance.
- Delivering activity to Central Sydney by supporting future public domain, street activation, cultural uses and the late-night economy.

The objectives are clear and adequate.

1.3 Explanation of provisions

This proposal seeks to amend Part 6 Division 5 - Site specific provisions of the Sydney LEP 2012 by inserting an additional clause to establish planning controls for 757 - 763 George Street, Haymarket. The site-specific provision will include the following:

- Additional site-specific FSR of 1.09:1 for commercial development
- Additional site specific FSR of 0.63:1 to be provided below ground level, linked to the hotel operation. This additional FSR will be restricted to active, cultural or late night uses with a direct and visual connection to the public domain
- Additional permissible height up to maximum RL 117.87m which will only be applicable for non-residential and non-serviced apartment uses. This height equates to 57m above the current 50m control or 105.87m measured from ground level.

The site-specific provisions are in addition to existing LEP bonus provisions applying to the site, which include:

- Cl6.4(g) which provides a bonus for accommodation space of 1.5:1 for development within Area 4 (where the site is located) which comprises business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, function centres, health services facilities, hotel or motel accommodation, information and education facilities, light industries, office premises or retail premises
- Cl6.21 which provides a FSR of bonus of up 10% if Design Excellence is demonstrated in relation to provisions for a competitive design process.

The existing and proposed FSR provisions will permit a total FSR of up to 11.1:1 above ground and 0:63:1 below ground.

Table 3 below shows the current and proposed provisions for the site. The planning proposal contains an explanation of provisions that adequately describes how the objectives will be achieved.

Table 3 Current and proposed controls

Control	Current	Proposed
Maximum height of buildings	50m (HOB map)	<ul style="list-style-type: none"> • 50m (HOB Map) No change to the existing Height of Buildings Map. • RL 117.87 metres under Part 6, Division 5 of the LEP which will only be applicable to employment uses.
Floor space ratio (above ground)	Up to 9.9:1 comprising: <ul style="list-style-type: none"> • 7.5:1 on FSR map (cl4.4) • 1.5:1 accommodation floor space (cl6.4(g)) • Up to 10% subject to Design Excellence (cl6.21). 	Up to 11.1:1 comprising: <ul style="list-style-type: none"> • 7.5:1 on FSR map (cl4.4) • 1.5:1 accommodation floorspace (cl6.4(g)) • Up to 10% subject to Design Excellence (cl6.21) • 1.09:1 site specific floor space.

Floor space ratio (below ground)	N/A	0.63:1(below ground) restricted to active, cultural or late night uses with a direct and visual connection to the public domain.

Draft site-specific Sydney Development Control Plan 2012 (Sydney DCP 2012)

The Sydney Development Control Plan 2012 (DCP) will be amended concurrently to add site specific provisions to ensure the intended built form outcomes are achieved.

The proposed controls will permit a podium at street level which incorporates the heritage listed Sutton Forest Meat Company building with a tower above. The tower is setback variable distances from the street frontages and will partially overhang the podium. The controls seek to ensure development achieves comfortable wind conditions and daylight amenity at the street, and an appropriate relationship to neighbouring buildings.

The DCP will be exhibited concurrently with the planning proposal. This is a condition of the Gateway determination.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) with Council, as per the Public Benefit Offer (2 May 2022), that accompanies the planning proposal. The VPA will be exhibited concurrently with the planning proposal and draft site specific DCP.

1.4 Site description and surrounding area

The proposal applies to 757-763 George Street, Haymarket (the site) comprising Lot 1 DP 1031645 and Lot 11 DP 70261. The site has a total area of 1,030m². It has frontage to George Street on its eastern boundary and Valentine Street on its southern boundary (see Figure 1).

Current development on the site consists of a three storey retail/commercial building on 757-759 George, and the two storey heritage listed Sutton Forest Meat Company at 761-763 George Street.

Adjoining developments include medium density residential apartment (747 George St) to the north and a medium rise commercial office to the west (187 Thomas St).

The site is 200m walking distance away from Central Station and 75m from the Haymarket light rail stop (refer Figure 2). The site is adjacent to the Central Precinct Renewal Program.



Figure 1 Subject site (source: Planning proposal May 2022)



Figure 2 Site context (source: Attachment A: Architectural Design Report prepared by Grimshaw October 2020)

The site contains a heritage item, the locally significant Sutton Forest Meat Company building. See heritage map extract in Figure 3 below.

The State heritage listed Christ Church St Laurence is located opposite on the eastern side of George Street. A row of locally heritage significant commercial terraces are located to the south of the site on the opposite side of Valentine Street.

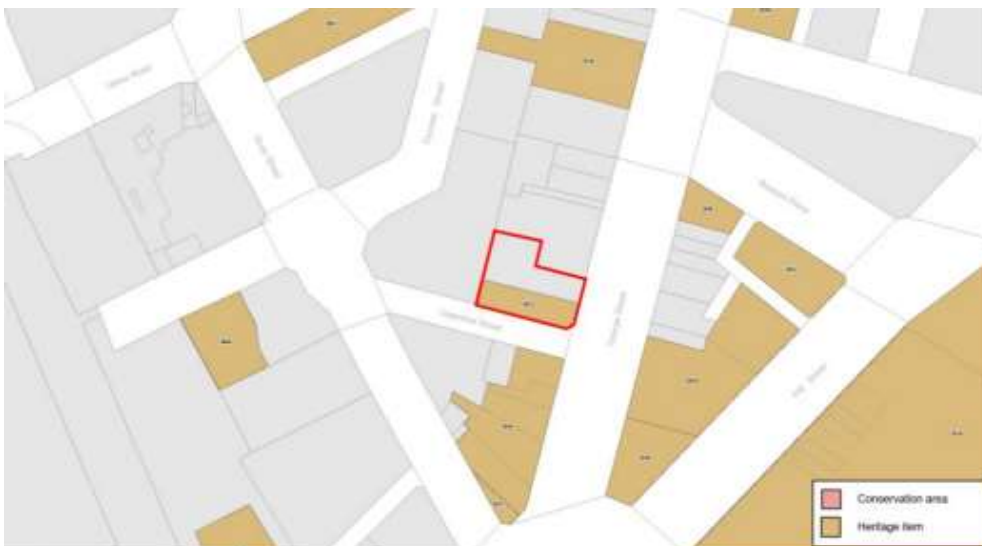


Figure 3 Current heritage map

1.5 Existing provisions

The site is zoned B8 – Metropolitan Centre.



Figure 4 Zoning map

The site has a height limit of 50m.



Figure 5 Height of building map

The site has a maximum FSR of 7.5:1.

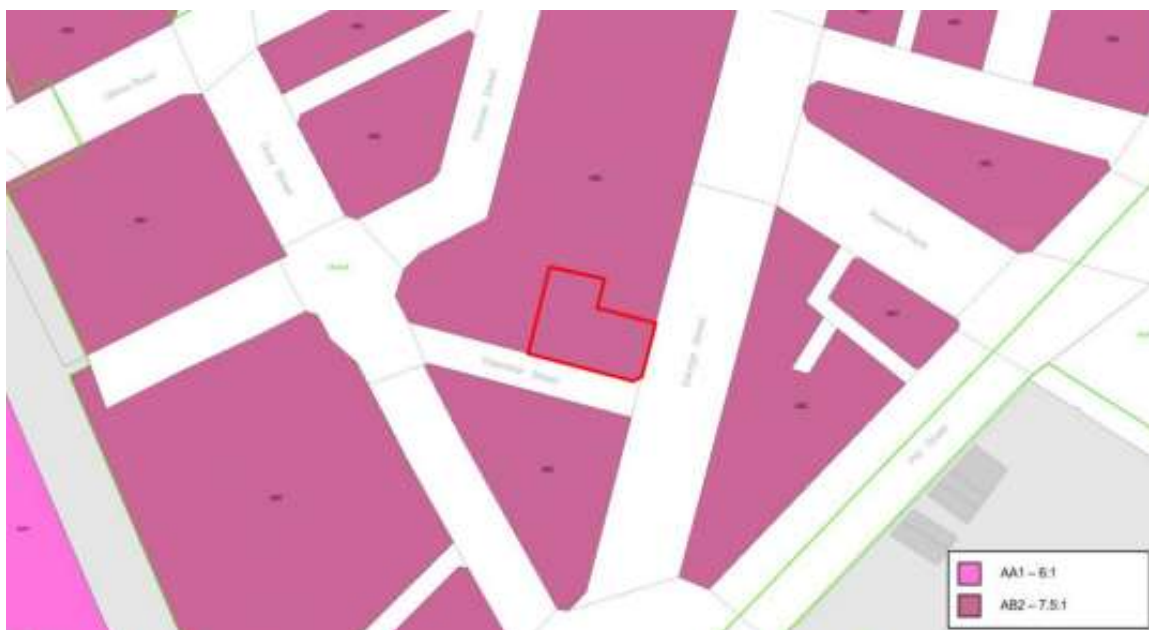


Figure 6 Current floor space ratio map

1.6 Mapping

The proposal does not propose changes to the LEP mapping. The maps therefore do not need to be updated prior to public exhibition and are suitable for community consultation.

1.7 Background

The original concept proposal was submitted to the City of Sydney on the 31 October 2020 and requested:

- Building height of RL 117.87 (105.87m from ground level);
- FSR of 12:1 above ground; and
- FSR of 2.0 below ground for specific ancillary uses.

Council and the proponent subsequently undertook negotiations and analysis to address various issues including wind impacts on the public domain and vertical separation between the proposed envelope overhang and the Sutton Forest Meat building.

As a result, the following changes were proposed by the proponent:

- Reduction in GFA from 12,243m² (FSR 12:1) to 11,1430m² (FSR 11.8:1)
- Setbacks were revised as follows:
 - George St: minimum of 6m;
 - Valentine St: minimum of 11m;
 - West and north-western: 3m
 - North-eastern 1.6m; and
- The indicative locations for public art have been amended.

The proposed building height has not changed from the original concept planning proposal.

At its meeting on 12 May 2022 the Central Sydney Planning Committee approved the planning proposal to be submitted to the Minister for Planning and Homes with a request for Gateway Determination.

2 Need for the planning proposal

The Central Sydney Planning Strategy 2022 (the Strategy) establishes objectives and a framework to ensure growth is employment focused, respects special places, is sustainable and responsive to climate change. The proposal responds to the goals set out in the Strategy 2022 which identifies the site as being within the employment focused Haymarket Tower Cluster.

The objectives and intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the LEP.

The proposal adopts a site-specific approach by proposing to insert a new site-specific provision into the LEP. This approach replicates how Council has rezoned other sites and allows for detailed consideration of the merits of proposed planning framework having regard to site specific, strategic and infrastructure issues.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 3. Infrastructure adapts to future needs	The Department considers the proposal is consistent with Objective 3 as it will make use of the Government's investment in infrastructure in Central Sydney, particularly public domain projects such as new public square and upgrades at Railway Square and George Street.
Objective 6. Services and infrastructure meet communities' changing needs	The proposal is consistent with Objective 6 as the indicative scheme is adjacent to a major transport node will and leverage from the Government's investment in infrastructure to provide a service that supports other businesses.
Objective 14. A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The Department considers the proposal to be consistent with Objective 14 given the site's location adjacent to a variety of major public transport nodes supporting the walkable city objective. The site provides high density transit-oriented development that supports the investment and business across Greater Sydney in a centre that supports active public transport usage. The close connection to the CBD allows 30-minute access to necessary centre-based services.
Objective 18. Harbour CBD is stronger and more competitive	The Department considers the proposal consistent with Objective 18 as it will provide increased commercial floorspace within a CBD location, supporting and increasing economic activities and tourist accommodation within the area.

Regional Plan Objectives	Justification
Objective 22. Investment and business activity in centres	The Department considers the proposal consistent with Objective 22 as the increase in density provides a significant investment within a high-density cluster in the centre of Haymarket.
Objective 28. Scenic and cultural landscapes are protected	The Department considers the proposal consistent with Objective 28 as it proposes the adaptive reuse of the Sutton Forest Meat company, maintaining a colonial and migrant era heritage item.
Objective 34. Energy and water flows are captured, used and re-used	The Department considers the proposal consistent with Objective 34. It is noted that the draft DCP includes provisions for sustainable development requiring the inclusion of photovoltaic systems and a rainwater harvesting and storage strategy supporting the intent of this objective in any future development application.

3.2 District Plan

The site is within the Eastern District and the then Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. It contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below. The Department is satisfied the proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the proposal against relevant directions and actions.

Table 3: District Plan assessment

District Plan Priorities	Justification
Planning Priority E1: Planning for a city supported by infrastructure	The Department considers the proposal consistent with Priority 1 as the future development make use of the Government's investment in infrastructure in Central Sydney, particularly public domain projects such as new public square and upgrades at Railway Square and George Street.
Planning Priority E6. Creating and renewing great places and local centres, and respecting the District's heritage	The Department considers the proposal consistent with Priority 6 as the conservation and adaptive reuse of Sutton Forest Meat Company building facilitates this priorities principal to conserve and respect of heritage values.
Planning Priority E10. Delivering integrated land use and transport	The Department considers the proposal consistent with Priority 10 as it will enable additional density and investment in a location adjacent to a major public transport nodes. Occupants of the building will be able to readily

District Plan Priorities	Justification
planning and a 30-minute city	access various parts of the Sydney from the available active and public transport services.
Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	The Department considers the proposal consistent with Priority 11 as it will facilitate investment in the site. The envisaged hotel accommodation will create new jobs on site and provide a service that supports and enables other businesses and tourism.
Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently	<p>The Department considers the proposal consistent with Priority 19. Future development will be required (via the DCP provisions) to maintain a level of ecologically sustainable development by meeting 5-star NABERS Energy Hotel rating, meeting a 5-star Green Star Design and As Built rating for the whole development.</p> <p>Other indicative provisions for sustainable development reference the inclusion of photovoltaic systems and a rainwater harvesting and storage strategy. They provide opportunities to achieve more efficient use of energy and water and can support NSW's transition towards net-zero emissions.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies:

Table 6 Local strategic planning assessment

Local Strategies	Justification
City Plan 2036: Local Strategic Planning Statement	<p>The proposed supports the following planning priorities within the LSPS:</p> <p><i>I1. Movement for walkable neighbourhoods and a connected city</i></p> <p>The Department considers the proposal consistent with Industry Priority 1 as the site is in a highly accessible location which will encourage use of pedestrian and public transport networks.</p> <p><i>I2. Align development and growth with supporting infrastructure</i></p> <p>The Department considers the proposal consistent with Industry Priority 2 as the project is located next to the Central Station Precinct which is undergoing significant renewal through Government investment..</p> <p><i>L2. Creating great places</i></p> <p>The Department considers the proposal consistent with Liveability Priority 2 as the increase in density, proposed retail, and proposed adaptive reuse of the heritage building, will help in promoting street life and facilitating public domain strategies endorsed by the City.</p> <p><i>P1. Growing a stronger, more competitive Central Sydney</i></p> <p>The Department considers the proposal consistent with Productivity Priority 1 as it will support development, and economic and employment growth.</p> <p><i>P2. Developing innovative and diverse business clusters in City Fringe</i></p>

	<p>The Department considers the proposal consistent with Productivity Priority 2 as the indicative scheme for new hotel accommodation supports the innovation and technology industry cluster by providing support services and promoting a growing economy.</p>
<p>City Plan 2036: Local Strategic Planning Statement – Principles for Growth</p>	<p>The proposal supports the strategic principles for growth outlined in the LSPS: <i>Proposals must be consistent with the Greater Sydney Region Plan and Eastern City District Plan.</i></p> <p>The Department considers the proposal to be consistent with this principle as addressed in section 3.1 and 3.2 of this report.</p> <p><i>Proposals for sites in the Harbour CBD, Innovation Corridor (including Camperdown-Ultimo Health and Education Precinct) must be consistent with the objectives for these areas in the Eastern City District Plan.</i></p> <p>The Department considers the proposal to be consistent with this principle as addressed in section 3.2 of this report.</p> <p><i>Proposals must be consistent with the relevant directions, objectives and actions of the City's community strategic plan, Sustainable Sydney 2030 and Sustainable Sydney 2050 in the future.</i></p> <p>The Department considers the proposal to be consistent with this principle as addressed below.</p> <p><i>Proposals must be consistent with the relevant liveability, productivity, infrastructure and sustainability priorities, objectives and actions in this Local Strategic Planning Statement.</i></p> <p>The Department considers the proposal to be consistent with this principle as addressed in section 3.3 of this report.</p> <p><i>Proposals must support the strategic objectives in the City's adopted strategies and action plans.</i></p> <p>The Department considers the proposal to be consistent with this principle as addressed in section 3.3 of this report.</p> <p><i>Proposals must not compromise non-residential development needed to meet employment targets for centres.</i></p> <p>The Department considers the proposal to be consistent with this principle as the indicative scheme promotes non-residential development that supports the employment target of the centre.</p> <p>The proposal supports the site-specific principles for growth: <i>Proposals must locate development within reasonable walking distance of public transport that has capacity (assuming development capacity will be delivered) and is frequent and reliable.</i></p> <p>The Department considers the proposal to be consistent with this principle as it located with reasonable walking distance to a variety of public transport options, detailed further in section 4.3 of this report.</p> <p><i>Proposals must meet high sustainability standards and mitigate negative externalities.</i></p> <p>The Department considers the proposal to be consistent with this principle as the draft DCP includes provisions for sustainability.</p>

Proposals must include an amount and type of non-residential floor space appropriate to the site's strategic location and proximity to or location within a centre or activity street.

The Department considers the proposal to be consistent with this principle as the site is strategically located to Sydney CBD and Tech Central. In addition, the indicative scheme is entirely non-residential floor space including potential hotel and retail uses.

Proposals must create public benefit.

The Department considers the proposal to be consistent with this principle as the indicative scheme is expected to produce 120 jobs, provide public art, support conservation of the heritage item, and improve the public domain.

Proposals must be supported by an infrastructure assessment and demonstrate any demand for infrastructure it generates can be satisfied, assuming existing development capacity in the area will be delivered.

The Department considers the proposal to be consistent with this principle as it is adequately addressed in the proposal and justification. It is further detailed in section 4.3 of this report.

Proposals must make a positive contribution to the built environment and result in an overall better urban design outcome than existing planning controls.

The Department considers the proposal to be consistent with this principle as an increase in density supports the strategic goals for the area. In conjunction with the existing provisions for design excellence in the LEP, supported by the site-specific DCP, the proposal will facilitate an overall positive contribution to the built environment.

Proposals must result in high amenity for occupants or users.

The Department considers the proposal to be consistent with this principle as Design Excellence and the draft DCP will help ensure development is well designed and achieves high amenity.

Proposals must optimise the provision and improvement of public space and public connections.

The Department considers the proposal to be consistent with this principle. The proposed site specific FSR bonus is restricted to ensure it improves the public domain and the experiences within. restricted to active, cultural or late night uses with a direct and visual connection to the public domain and therefore is aligned with this principle. It is also noted that public art and street activation are proposed.

Sustainable
Sydney:
Community
Strategic Plan

Sustainable Sydney 2030 is Council's Community Strategic Plan. It contains 10 strategic directions to guide the future of the City. The proposal will help deliver on the following directions:

Direction 1 – A globally competitive and innovative city

The Department considers the proposal consistent with Direction 1 as the proposal, supported by existing design excellence provisions and the draft DCP controls, will facilitate a high-quality urban design outcome that will support new employment opportunities and increase the city's tourist capacity, helping to make Sydney attractive to global investors and visitors.

Direction 2 – A leading environmental performer

The Department considers the proposal consistent with Direction 2 as it is supported by a draft DCP which includes proposed controls relating to sustainability which will deliver ecologically sustainable development with reasonable sustainability targets.

Direction 3 – Integrated transport for a connected City

The Department considers the proposal consistent with Direction 3 as the subject site is well situated in relation to transport infrastructure, providing future workers and visitors a high level of public transport access to the site.

Direction 4 – A city for walking and cycling

The Department considers the proposal consistent with Direction 4 as the proposal's indicative scheme encourages greater public and active transport use.

Direction 5 – A lively and engaging city centre

The Department considers the proposal consistent with Direction 5 as the proposed scheme for mixed use on the site, including the potential late-night uses, should promote activation with the public domain and support a lively and engaging city centre.

Direction 6 – Vibrant local communities and economies

The Department considers the proposal consistent with Direction 6 as the proposal will facilitate future development which will contribute to the surrounding area by providing capacity for retail, accommodation, and potentially new entertainment premises for local residents and visitors.

Direction 7 – A cultural and creative city

The Department considers the proposal consistent with Direction 7. It is noted that supply public art with the future development on the site will promote culture in the city centre and activate new creative experiences and engagement with the public.

Direction 9 – Sustainable development, renewal and design

The Department considers the proposal consistent with Direction 9 as the proposal supports the sustainability and adaptive reuse of the site, delivering on the direction for high quality design and renewal.

Central Sydney
Planning Strategy

The Central Sydney Planning Strategy seek to ensure that Central Sydney can continue to grow and is well positioned to contribute to metropolitan Sydney being a globally competitive and innovative city. The proposal is consistent with the following directions:

1. *Prioritise employment growth and increase capacity* – The Department considers the proposal consistent with Direction 1 as the proposed amendments will promote development uses that will facilitate employment floor space, in turn promoting the employment growth and capacity within Sydney.
2. *Ensure development responds to context* – The Department considers the proposal consistent with Direction 2 as the proposal recognises the

significance of the heritage item in the local context and is supported by relevant reports and studies.

3. *Provide employment growth in new tower clusters*

The Department considers the proposal consistent with Direction 4 as the site is located in the Haymarket and Ultimo tower cluster where additional building height may be accommodated.

4. *Ensure infrastructure keeps pace with growth*

The Department considers the proposal consistent with Direction 5 as the proposal facilitates development in close proximity to new and potential surrounding infrastructure.

5. *Move towards a more sustainable city*

The Department considers the proposal consistent with Direction 6 as the proposal sets out high sustainability targets in the indicative scheme that will support the delivery of a sustainable city.

6. *Protect, enhance and expand heritage and public places*

The Department considers the proposal consistent with Direction 7 as the proposal as it will support conservation and adaptive reuse of the heritage building.

7. *Move people more easily*

The Department considers the proposal consistent with Direction 8 as the site is located within the walking catchments for a variety of transport options which support pedestrian activity and access to Greater Sydney.

8. *Reaffirm commitment to design excellence*

The Department considers the proposal consistent with Direction 9 as the existing LEP design excellence provisions and proposed draft DCP will ensure future development on site will be subject to a full competitive design competition to deliver a high-quality built form.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The Department considers the planning proposal to be consistent with the objectives of this direction. Refer to Section 3.1 of this report.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	No	<p>The objective of this Ministerial Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal is inconsistent with this Direction; however, it is considered to be justified.</p> <p>The amendments to the LEP and the draft DCP have been developed by Council in consultation with the proponent based on the proponent's design vision for the site and the City's vision for future development in the precinct. Furthermore, the proposed site-specific provisions would not restrict future development from being undertaken on the subject site, as the site's existing controls in the LEP remain applicable.</p>
3.2 Heritage Conservation	Yes	<p>The objective of this Ministerial Direction is to facilitate the conservation of heritage items.</p> <p>The planning proposal does not reduce the existing provisions in the LEP for heritage conservation. Clause 5.10 Heritage Conservation of the LEP will continue to apply to future development applications related to this proposal.</p> <p>The site contains the Sutton Forest Meat Company building which is listed as an item of local significance in the LEP. The planning proposal is supported by a Heritage Impact Statement prepared by Weir Phillips Heritage dated October 2022.</p> <p>Heritage is further discussed in section 4 of this report.</p>
4.4 Remediation of Contaminated Land	Yes	<p>This Ministerial Direction promotes remediation of contamination land to reduce the risk of harm to human health. When rezoning land and as part of development applications, it is required to be considered to ensure remediation work meets certain standards.</p> <p>The proposal does not change the zoning of the land or expand the uses permitted on the land.</p> <p>The planning proposal was accompanied by a Remediation Action Plan (RAP), which identified the potential sources of contamination over the history of the site, including underground storage tanks. The RAP confirms that subject to the proposed remediation strategy, the subject site is suitable for the proposal. Further assessment and remediation will be required as part of a future development assessment process.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.5 Acid Sulfate Soils	Yes	<p>This Ministerial Direction seeks to avoid adverse environmental impacts from the use of land that contains acid sulfate soils. As this planning proposal results in intensification of land uses, it must suitably address the requirements of this Direction.</p> <p>The subject sites are located on land identified as Class 5 Acid Sulfate Soils and is within 500 metres of Class 2 soils on Quay Street, 150 metres to the north of the site.</p> <p>A Preliminary Geotechnical Statement accompanied the planning proposal, which advised that due to the excavation proposed and the site's proximity to Class 2 soil, a detailed Acid Sulfate Soil Assessment may be required. This assessment is to include the identification of any contamination, presence of aggressive soils and acid sulfate soils.</p> <p>Due to the developed nature of the site, it is reasonable for the assessment to be prepared following demolition of buildings when ground testing can be undertaken. Any potential inconsistency with Direction is considered minor and justified.</p>
5.1 Integrating Land Use and Transport	Yes	<p>This Ministerial Direction seeks to ensure that new land uses have adequate and varied access to transport infrastructure and services to reduce travel by private vehicles, and support efficient public transport and freight.</p> <p>The Department is satisfied that the proposal is consistent with the objectives and requirements of this Direction, as it seeks to increase commercial floor space on a site within proximity to a major public transport interchange.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Yes, subject to the required consultation	<p>This Direction seeks to ensure the effective and safe operation of regulated airports by ensuring development does not compromise their operation by way of obstructions or hazard. It also ensures that if development is situated on noise sensitive land it is not adversely affected by aircraft noise.</p> <p>The proposed height increase to RL 117.87 metres is significantly beneath the Sydney Airport PAN-OPS which is situated at RL 300 and as such approval under the <i>Airports Act 1996</i> is not required.</p> <p>As the site is identified as being near a regulated airfield, the Direction requires consultation with the relevant Commonwealth department and the lessee/operator of the airport. A Gateway condition has been included in this regard.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Business and Industrial Land	Yes	<p>This Ministerial Direction seeks to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This direction applies to the planning proposal as it will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The proposal seeks to increase the amount of commercial floorspace available in the Sydney CBD and is supported by a concept proposal for a hotel and ground floor retail. The proposal is consistent with this Direction as it does not propose a change to the business zoning of the site and it intends to increase the total potential employment floor space area.</p>

3.5 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	This SEPP provides for consultation with relevant public authorities about certain development types.	Yes	The future indicative scheme will be considered a 'traffic generating development' as over 10,000m ² of commercial floor space is proposed. Any future development application will need to be referred to Transport for NSW prior to determination.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 10 of the SEPP works to protect the foreshore, waterways heritage and wetlands of the Sydney Harbour catchment.	Yes	The site is located on land in the Sydney Harbour Catchment which is land to which Chapter 10 of the SEPP applies, however the site is not zoned under the Plan and is not located in the foreshore and waterway area.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal. Table 9 Environmental impact assessment

Environmental Impact	Assessment
Built Form / Building envelope	<p>The proposed FSR of 11.1:1 (above ground) seeks to achieve an appropriate scale and permit a building envelope that incorporates setbacks and articulation that respond to the street and adjoining buildings. The proposed height is RL117.87.</p> <p>The concept proposal and draft DCP proposed a two storey podium with setbacks of 6 metres to George Street, 11 metres to Valentine Street, and the upper tower cantelivered 8 metres from the street. This ensures there is adequate separation to 187 Thomas Street (office building) and maintains acceptable amenity to the south-facing apartments to the north.</p> <p>All impacts related to the proposed height and FSR including traffic, wind, overshadowing and scale have been adequately addressed in the technical reports and assessed in the proposal.</p>
Overshadowing	<p>The proposed building envelope is below the Prince Alfred Park Solar Access Plane and the Central Station Square Solar Access Plane. The proposed height is expected to result in greater daylight access to the public domain than that envisaged by the base case scenario under the Guidelines for Site Specific Planning Proposals in Central Sydney.</p> <p>The closest major open space to the site is Belmore Park, approximately 200m to the East. The proposed height and the indicative-built form will not affect Belmore Park in terms of overshadowing.</p>
Views	<p>The proposed height is consistent with the existing and proposed development within the surrounding precinct. The setback on both George Street and Valentine Street, together with the setback upper tower will help ensure streetscape views of the heritage item are not adversely impacted.</p> <p>The protected view of the Christ Church St. Lawrence opposite the site has been addressed through the setback and Architectural Design Report and shown in Figure 6 below</p> <p>The proposal will not obstruct views towards the Central Station clock tower (Figure 7) in accordance with clause 6.19 of the LEP.</p>

Environmental Impact	Assessment
	 <p data-bbox="432 913 1378 976">Figure 6: View to Christ Church St Laurence (Source: Architectural Design Report prepared by Grimshaw October 2020)</p>  <p data-bbox="432 1608 1398 1671">Figure 7: View to Central Station Clock Tower (Source: Architectural Design Report prepared by Grimshaw October 2020)</p> <p data-bbox="432 1700 1420 1834">The Department considers the view impacts of the proposed building envelope to be acceptable, with the desired future character of the area being a tower cluster at the southern end of Central Sydney. Therefore, the scale of development is considered to be in keeping with desired future character of the locality.</p>
Adjacent residential amenity	<p data-bbox="432 1872 1398 2040">The relevant controls providing setback of the site to the northern development (Capitol Terrace) enable adequate building separation to mitigate any significant impact to residential amenity to adjacent residential development. The proposed building envelope takes into consideration a reasonable setback and architectural articulation in relation to the adjoining site to minimise the amenity impacts on the</p>

Environmental Impact	Assessment
	occupants. The draft DCP provides controls to provide an operation management plan to mitigate operation hours and acoustic impacts on the residential amenity.
Traffic	<p>The expected traffic impacts on surrounding streets are low as the majority visitors to the site are expected to walk or utilise the close public transport connections. The queueing analysis with the Traffic Impact Statement prepared by Traffix dated October 2020 demonstrated that with six vehicles arriving within one hour, the indicative scheme will only have one vehicle waiting on-street.</p> <p>The indicative scheme includes 7 parking spaces that will be accessed by a car lift. Vehicular access to the basement is not proposed to affect or alter the heritage item. Taxis and car sharing services will not be able to access these spaces as the site is in close proximity to loading zones on Valentine Street and George Street that will be available for drop off access for cars, buses/shuttles and taxis. These zones include their own time availability and limits for usage to reduce impacts.</p> <p>The traffic impact assessment demonstrates that the subject application is supportable on traffic planning grounds.</p> <p>The Department considers the proposal is adequate to proceed to public exhibition. Consultation with TfNSW is recommended.</p>
Sustainability	<p>The draft DCP includes an objective to maintain a level of ecologically sustainable development by meeting 5 star NABERS Energy Hotel rating, meeting a 5 star Green Star Design and As Built rating for the whole development. Other indicative provisions for sustainable development reference the inclusion of photovoltaic systems and a rainwater harvesting and storage strategy.</p>
Wind	<p>The Wind Impact Assessment accompanying the proposal identified the potential for wind impacts on the public domain to exceed comfortable levels.</p> <p>In response to these potential impacts of the indicative scheme, further testing was completed that identifies that the updated planning envelope will result in an improved wind conditions in the public domain compared to the base case envelope.</p> <p>The draft DCP requires that a quantitative wind effects report is to be submitted with a detailed development application for the subject site. Furthermore, the building shall be designed to mitigate wind impacts on George and Valentine Streets.</p> <p>The Department considers that wind impacts have been adequately addressed for the proposal to proceed and that further assessment will be required for any future development application.</p>
Heritage	<p>The site contains the Sutton Forest Meat Company building which is listed as an heritage item in the LEP. The planning proposal is supported by a Heritage Impact Statement prepared by Weir Phillips Heritage dated October 2020.</p> <p>The indicative development scheme includes the revitalisation and adaptive re-use of the heritage item, including restoration of the previously demolished corner turret.</p> <p>The indicative scheme will not detract from the heritage setting of the former Sutton Forest Meat Company building and the draft DCP provisions seek to conserve the</p>

Environmental Impact	Assessment
	<p>material and structure of the heritage item. The cantilevered upper tower ensures that the visual presentation of the heritage item is retained within the streetscape.</p> <p>The indicative built envelope seeks to respect the heritage environment and presence on the street by actively reducing the height and setback in relation to the context of the heritage item.</p> <p>The Department considers the existing LEP heritage provisions, Heritage Impact Statement, and the draft DCP will support heritage conservation during future redevelopment of the site.</p>
Geotechnical	<p>The Preliminary Geotechnical Investigation Report identifies a variety of issues, including, but not limited to, the potential presence of Pittman LVII dyke which may produce increased instability, a reduction in allowable bearing pressures and increased water inflow. However, the Report provides geotechnical inputs to combat each potential issue.</p> <p>The Department considers the Preliminary Geotechnical Investigation Report to adequately address the potential risks and provides acceptable inputs suitable for the planning proposal to proceed. These matters will be subject to further assessment for the future development assessment process.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Increase in Employment and Business floorspace	<p>The increase in permissible height and FSR will facilitate an increase to the amount of employment floor space and employment opportunities.</p> <p>The proposed concept for a hotel, retail and potential late-night uses are intended to improve the local economy, support the surrounding businesses, and improve street activation. The redevelopment of the site under the proposed controls is estimated to generate an additional 120 jobs above the base case post construction (EIA prepared by Hill PDA September 2020)</p>
Supporting Surrounding Land Uses	<p>The site is located within a new tower cluster and will provide employment growth and is aligned with other proposed and planned developments within the locality. The increase in height and FSR will facilitate a high-density development that will support the other potential office spaces and major developments in Haymarket.</p> <p>The indicative hotel accommodation is intended to provide options for affordable business stays and short trips with access to public transport and surrounding businesses, existing and proposed development in the area.</p>

Integration with the Surrounding Sites and Public Domain

The draft DCP includes the objective to facilitate “the future pedestrianisation of Valentine and George Streets and the surrounding area by discouraging private vehicle use and potential conflicts with pedestrians”, and identifies the necessity to maximise active frontages. The proposal seeks to activate both George Street and Valentine Street with ground level retain.

The draft DCP includes a maximum height for the upper podium at the rear of the site to maintain low visual impacts on the site. The proposed DCP setbacks will also seek to ensure the built form will improve site interactions with the public domain and the surrounding lots.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Utility Infrastructure	<p>The site is currently developed and serviced by public utilities including electricity, telecommunications, water, sewer and stormwater.</p> <p>It is anticipated that a detailed development application will incorporate upgrades to servicing as required to service the increased capacity proposed.</p> <p>As a condition of Gateway determination, the relevant utilities should be consulted.</p>
Underground Tunnels	<p>Underground tunnels have not been identified within close proximity to the site.</p> <p>As a condition of Gateway determination, Council will be required to consult with TfNSW, Sydney Water and AusGrid.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The proposal is categorised as complex as per the Local Environmental Plan Making Guidelines (December 2021). Accordingly, a community consultation period of 30 working days is recommended. This is a condition of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Transport for NSW
- Heritage NSW

- Relevant utility providers, including Ausgrid and Sydney Water
- Civil Aviation Safety Authority
- Sydney Airport Corporation
- Department of Infrastructure, Transport, Regional Development and Communication.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

Under the new *Local Environmental Plan Making Guide (December 2021)*, a standard planning proposal is to achieve the following timeframes:

Stage	Actions	Working Days
Post-Gateway	Review gateway, action conditions, prepare relevant studies and consult with government agencies prior to exhibition	50 days
Public exhibition and assessment	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the PPA	95 days
Finalisation	Finalisation of the LEP, including legal drafting and gazettal	55 days
Total days		200 days

Accordingly, the Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times whilst also accommodating the end of year shutdown periods.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

The Department recommends issuing an authorisation for Council to exercise delegation to make this plan, provided there are no agency objections.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the Eastern City District Plan and the relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- it is consistent with Council's Local Strategic Planning Statement and Sustainable Sydney 2030;
- it is consistent with Council's Central Sydney Planning Strategy;
- It is consistent with the proposed developments and strategies relating to the site and surrounding built environment;
- It will facilitate development in a strategically supported cluster and an innovation technology hub;
- It will facilitate the adaptive reuse of the Heritage Item and support its continual maintenance and conservation;
- it will encourage employment within an accessible location, generating approximately 120 jobs;

- it will provide visitor and tourist accommodation within close proximity to Central Station and the Sydney CBD; and
- it will activate the surrounding public domain and improve amenity.

9 Recommendation

A. It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions and 4.5 Acid Sulfate Soils are minor and justified.

B. It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
 - Transport for NSW
 - Heritage NSW
 - Relevant utility providers, including Ausgrid and Sydney Water
 - Civil Aviation Safety Authority
 - Sydney Airport Corporation
 - Department of Infrastructure, Transport, Regional Development and Communication.
2. The draft site specific DCP should be exhibited concurrently with the planning proposal.
3. The planning proposal should be made available for community consultation for a minimum of 30 days.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Council should be authorised to be the local plan-making authority.



(Signature)

19 July 2022

(Date)

Kelly McKellar

Specialist Planning Officer, Agile Planning and Programs



(Signature)

25 July 2022

(Date)

Louise McMahon

Director, Agile Planning and Programs