

230-238 Sussex Street, Sydney

Proposal Title : **230-238 Sussex Street, Sydney**

Proposal Summary : **This planning proposal seeks to introduce site specific provisions to increase the maximum building height for 230-238 Sussex Street, Sydney and restrict overshadowing of the proposed Town Hall Square.**

PP Number : **PP_2015_SYDNE_008_00**

Dop File No : **15/14335**

Proposal Details

Date Planning
Proposal Received : **25-Sep-2015**

LGA covered : **Sydney**

Region : **Metro(CBD)**

RPA : **Council of the City of Sydney**

State Electorate : **SYDNEY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **230-238 Sussex Street**

Suburb : **Sydney**

City : **Sydney**

Postcode : **2000**

Land Parcel : **Lot 1 DP 1207088**

DoP Planning Officer Contact Details

Contact Name : **Wayne Williamson**

Contact Number : **0292286585**

Contact Email : **wayne.williamson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Paul Manning**

Contact Number : **0292469342**

Contact Email : **pmanning@cityofsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

230-238 Sussex Street, Sydney

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 89
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan (CBD) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

The permissible height on the 230-238 Sussex Street, Sydney (site) is 80 metres and the floor space ratio is 8:1. Located within Area 3 on the FSR map of the Sydney LEP 2012, the site is eligible for additional floor space of 2:1 for office, business or retail premises and 3:1 for residential accommodation, serviced apartments or hotel or motel accommodation. The proposal is also eligible for 10% bonus floor space or height if a competitive design process is undertaken and design excellence is demonstrated.

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the proposal are:**

- permit a maximum building height of up to RL 115.9 metres on the site;
- enable redevelopment of 230-238 Sussex Street, Sydney for 'Residential Accommodation' and 'Hotel or Motel Accommodation' with ancillary commercial premises;
- enable the adaptive reuse of the Foley Bros warehouse heritage building at 230-232 Sussex Street;
- ensure that new development responds sympathetically to the Foley Bros warehouse heritage building at 230-232 Sussex Street;
- ensure development on the site limits additional overshadowing on the future Town Hall Square and surrounding residential buildings;
- limit residential uses to floor space located where compliance with SEPP 65 is achievable;
- ensure new development addresses the intent and outcomes of Special

Character Areas.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to introduce a new clause under 'Division 5 Site Specific Provisions' of Sydney LEP 2012 to enable additional height, above that shown on the Height of Buildings Map, up to a maximum height of RL115.9 metres, whilst limiting additional overshadowing on future Town Hall Square.**

To ensure no additional height can be achieved by way of a variation to the proposed new clause, an amendment to clause 4.6(8) is also proposed.

Council has justified the use of a site specific clause because they are seeking to create a unique control that provides a 30 metre building height increase, while also providing certainty that the proposed Town Hall Square will not be overshadowed by this development.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council states the proposal is consistent with s117 Directions 1.1 as the proposal is within a B8 Metropolitan Centre zone and does not seek to modify the zoning or permissible uses on the site. Notwithstanding, the proponents concept plan will result in a change of use.

The current commercial office tower at 234-238 Sussex Street has an approximate gross floor area (GFA) of 14,280 square metres. Using the SGS Employment Density Benchmarks (2008) for square metres of floor space per job, the commercial tower accommodates approximately 570 jobs (25 square metres per employee).

The proposed development indicates it will provide a total of 16,568 square metres of hotel accommodation with ancillary commercial premises. SGS benchmarks suggest 29 square metres per job, which indicates the hotel will accommodate approximately 570 jobs.

While the proposal changes the employment uses on the site, the floor space attributed to business uses and the number of jobs per square metre is more or less equivalent and is therefore consistent with s117 Directions 1.1.

The proposal is consistent with all other SEPPs and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping is adequate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of May 2016. The Department considers a 12 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **The Sydney LEP 2012 was gazetted in December 2012.**

Assessment Criteria

Need for planning proposal : **A planning proposal is needed to change the maximum building height on the site to facilitate redevelopment of the site and restrict overshadowing of the planned Town Hall Square.**

Consistency with strategic planning framework :

The proposal is consistent with relevant goals, directions and actions of A Plan for Growing Sydney as it will:

- provide new residential, hotel and retail floor space to meet the needs of a global city;
- accelerate housing supply within the CBD in close proximity to jobs and supporting the creation of hubs of activity;
- promote tourism;
- facilitate development of a site close to established services and public transport;
- enabling the adaptive re-use of a heritage item for hotel purposes, ensuring its ongoing economic and cultural contribution to the CBD; and
- enable growth and urban renewal in the western corridor of the Sydney CBD which is expected to see an increase in demand for hotel rooms as the Darling Harbour Live Entertainment Precinct, Sydney CBD Arts Precinct and Barangaroo shape the city.

The proposal is also consistent with the key directions of the Sustainable Sydney 2030 community plan.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities or their habitats.

BUILDING HEIGHT AND SOLAR ACCESS TO FUTURE TOWN HALL SQUARE

Council envisages a Town Hall Square to be located opposite Town Hall, bounded by George, Park and Pitt Streets. The Council began acquiring properties for the proposed Town Hall Square in the early 1980s and continues to progress its vision. A key element of the proposed town square is the protection of the solar access it currently receives. A key objective of this proposal is to develop a development control that will limit additional overshadowing on the proposed Town Hall Square.

An upper building height limit has been set by a methodology that is based on solar geometry between the proposed Town Hall Square and the two existing Darling Park Towers on Sussex Street. If a line is drawn between the highest points of the Darling Park Tower roofs and then from that line's midpoint, a second line drawn to intersect the western edge of the proposed Town Hall Square, this second sloping line crosses 230-238 Sussex Street at RL 117.1 on its western boundary and RL 100.9 on its eastern boundary. This approach enables additional height above the existing 80 metre height limit, to new maximums defined by the sloping line.

The exact transition of height limiting the envelope is to be refined as an outcome of the design excellence process and will be subject to accurate site surveys of 230-238 Sussex Street, both Darling Park Towers and future Town Hall Square.

OVERSHADOWING

Council has undertaken overshadowing analysis of the proposed building envelope. This analysis identified that the proposed development would cast additional shadow across surrounding buildings to the south.

Supporting controls in Council's DCP will ensure solar access in line with the SEPP65 Apartment Design Guide is met for residential buildings impacted by overshadowing from the proposed scheme. Compliance with SEPP 65 will need to be demonstrated as part of the design excellence process.

HERITAGE

A Conservation Management Plan (CMP) has been prepared for the heritage item, the 'Foley Bros' Warehouse building. The assessment concludes that the proposed building height would not have a significantly greater visual impact on the neighbouring heritage item, than the current 80 metre height control. The adaptive reuse of the heritage item will need to be appropriately addressed through the design excellence process and by a future development application.

AIR QUALITY

230-238 Sussex Street is identified as "Land Affected by Cross City Tunnel Ventilation Stack" under the Sydney LEP 2012. The proposed scheme must therefore address the requirements of clause 7.24 Development near Cross City Tunnel ventilation stack of the Sydney LEP and clause 3.13.2 Air quality for development near the Cross City Tunnel of Council's DCP.

The statement concludes that the proposed building envelope would not affect the dispersion of emissions from the Cross City Tunnel ventilation stack and that people using the proposed development were unlikely to be adversely impacted by these emissions.

WIND IMPACT

The analysis demonstrates that the site benefits from being shielded at ground level from westerly and northerly winds by surrounding buildings and their podiums. There is however potential for stronger wind conditions from the south, as they channel along Sussex Street and stronger upper level winds given there are fewer surrounding buildings of significant height in the direction of prevailing winds.

The assessment finds that the pedestrian environment is expected to be suitable for pedestrian standing, walking and dining from a comfort perspective.

TRAFFIC AND TRANSPORT

A vehicular Movement and Servicing Strategy has been prepared by Transport and Traffic Planning Associates. The focus of the strategy outlines options for passenger set-down and pick-up, as a result of the proposed hotel use.

Council generally supports a pick-up and set-down facility for suitably sized coaches on Sussex Street by relocating the mail zone, or an indented bay in Drutt Place. However, these options will need to be further explored by the proponent to demonstrate the effective utilisation of street space so that the loss of on-street parking, traffic congestion and impacts on pedestrian amenity are minimised. This can be done as part of the development application process.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Transport for NSW Transport for NSW - Roads and Maritime Services Sydney Water Other		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) : No			
If Yes, reasons :			
Identify any additional studies, if required. :			

230-238 Sussex Street, Sydney

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Existing infrastructure servicing the site has the capacity to accommodate future development.**

Documents

Document File Name	DocumentType Name	Is Public
Letter from Council.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
AmendedPlans.pdf	Proposal	Yes
ConservationManagementPlan.pdf	Proposal	Yes
VehicleMovementStrategy.pdf	Proposal	Yes
WindAssessment.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

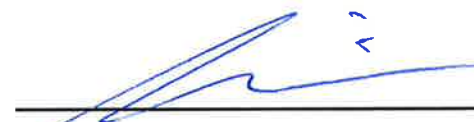
Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

- 1. The planning proposal be publicly exhibited for a period of not less than 28 days.**
- 2. Council is to consult with Transport for NSW, Roads and Maritime Services, Office of Environment and Heritage, Sydney Water and Ausgrid.**
- 3. A public hearing is not required.**
- 4. The planning proposal is to be finalised within 12 months from the date of the gateway determination.**

Supporting Reasons : **The proposal is supported as it represents an opportunity to deliver visitor accommodation in a location ideally suited to this use. The proposed redevelopment of the site will have no adverse environmental, social or economic impacts on the Sussex Street precinct.**

Signature:

Printed Name:


Wayne Williamson Date: 14/10/2015