

Planning Proposal for 1-11 Oxford Street, Paddington
Amendment to the Sydney Local Environmental Plan 2012 and
Sydney Development Control Plan 2012



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Summary

This Planning Justification Report has been prepared by Planning Lab on behalf of CE Boston Hotels Pty Ltd in support of a planning proposal to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) in regards to 1-11 Oxford Street, Paddington. The proposed amendments have been informed by an indicative concept design by Tonkin Zulaikha Greer Architects (Appendix A) for a medical-hotel with ancillary education facilities and food and beverage offerings. The proposal is a collaborative project with St Vincent's Private Hospital Sydney (SVPHS). A medical-hotel would co-locate purpose-built accommodation for patients and their families across Oxford Street from SVPHS and would offer opportunities to provide new medical and educational facilities.

The existing planning controls would prevent the development of the indicative concept design. In response, this Planning Proposal seeks Council's support to progress an amendment to the Sydney LEP 2012 to:

- Create a new site-specific Clause that will;
 - permit a maximum building height of RL 68.655m,
 - permit a maximum floor space ratio of 2.95:1,
 - exclude basement Gross Floor Area (GFA) from Floor Space Ratio (FSR) calculations for the use of a health services facility and ancillary hotel accommodation uses, and
 - amend Clause 4.6 to include the site as an exemption to development standards set out under the site-specific clause.

It is also proposed to create a site-specific section of the Sydney DCP 2012 (Appendix C) to work in conjunction with the amended Sydney LEP 2012 to enable development on the site that corresponds with the indicative concept design and achieve target sustainability measures.

The indicative concept design is the result of consultation with the City of Sydney Council and a contextual analysis which considered the impact of 7 alternative built forms in detail. The built form of the indicative concept design was selected from this analysis where it was demonstrated to have an overall positive impact on its surroundings from an urban design perspective.

The proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012 would facilitate the development of the proposed indicative concept design for a 6 storey medical hotel with ancillary uses. The indicative concept design retains and restores the existing façade and includes a 3 storey vertical addition to the existing structure as well as the construction of a 2 storey basement. The maximum building height at the lift overrun is RL 68.655m and the proposed above ground GFA is 4,649.7m² resulting in total FSR of 2.95:1. The proposal includes a GFA of 1,022.44m² to the basement, which results in an FSR for 0.65:1.

The indicative concept design carefully considers the design quality and character of the proposed contemporary addition as well as the appropriateness of its height, form and use. The immediate area surrounding the site contains a wide variety of contemporary buildings or various heights, uses and styles with a ranging architectural quality. The proposed development would be an outstanding addition of architectural quality to its location on Oxford Street. The proposed concept design retains and restores much of the existing façade with well-articulated upper levels and an active

frontage to Oxford Street. The vertical addition is designed to ensure negligible overshadowing due to its sloped design, orientation and massing. Privacy concerns are similarly mitigated through its design and orientation, with an internal courtyard and retained existing wall providing visual separation from hotel rooms. The primary use as a medical hotel in association with SVPHS and ancillary uses is compatible with the existing B2 Local Centre zoning.

Demand for services at St Vincent's hospital has increased over time and this trend is forecast to continue. A medical-hotel located opposite SVPHS would provide opportunities for patients to seek accommodation outside of the hotel before or after medical care. The medical-hotel would also provide convenient lodging for the families of patients, many of whom visit from outside of the Sydney region and who wish to be close to the hospital. The location of floor space in the basement will allow for medical facilities to operate, increasing the capacity of SVPHS to provide services. Adjacent multi-use rooms provide potential spaces for education and medical training to take place. The ancillary uses of the hotel including restaurants, cafes and rooftop food and beverage site serve to activate and enliven the neighbourhood. The proposal represents a more intensified and appropriate land use of the site which is currently largely unoccupied and provides the opportunity for SVPHS to expand their resources to address a growing and ageing population.

The proposed medical-hotel is well aligned with the strategic requirements of the Greater Sydney Region Plan, Eastern City District Plan and the City of Sydney Sustainable Sydney 2030 strategic plan. The project will provide new employment opportunities in the construction industry during the building phase and the hospitality, medical and education sectors once completed. The site's high level of access to public transport and location within an existing business centre that is near sizeable residential areas makes it well suited to intensified employment being consistent with the 30-minute city. The provision of medical and educational floor space expands the potential for these types of infrastructure in a constrained area. The proposal retains and enhances the primary heritage contribution of the building, which is the existing façade and internal stairway, and is designed to improve the public domain. These aspects of the proposal support the combined visions of the various relevant strategic plans.

The proposal is consistent with the relevant State Environmental Planning Policies and Ministerial Directions. Preliminary consultation has been carried out with Roads and Maritime Services (RMS) in relation to a proposed driveway onto a classified road, of which RMS has indicated support (Appendix B).

This Planning Proposal demonstrates the need for the proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012, the effect that the proposed amendments will have, and that the amendments are consistent with the relevant planning strategies and instruments.

Introduction

Background

This Planning Proposal seeks the amendment of planning controls within the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) that apply to 1-11 Oxford Street, Paddington ('the site'). This Planning Proposal has been prepared by Planning Lab, in conjunction with Tonkin Zulaikha Greer Architects on behalf of CE Boston Hotels Pty Ltd. It has been prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979 (EP&A) and with reference to the Department of Planning and Environment's document 'Planning Proposals: A Guide to Preparing Planning Proposals'. A pre-planning proposal application meeting was held between representatives of the proponent and representatives of Sydney Council. This proposal has been prepared in accordance with the advice and requirements provided by Council in that meeting and uses the report format stipulated by Council.

An indicative concept design for a medical-hotel and ancillary uses on the site has been produced by Tonkin Zulaikha Greer Architects. The proposal is the result of collaboration between the St Vincent's Private Hospital Sydney (SVPHS) and the proponent, CE Boston Hotels. The proposal will assist SVPHS by providing purpose-built accommodation to suit the needs of patients and their families, along with floor space dedicated to medical and medical education facilities.

In order to realise the concept design, it is proposed to amend the Sydney LEP 2012 to include a site-specific Clause allowing the site to achieve an increased floor space ratio (FSR) and building height. It is also proposed to create a site-specific section of the Sydney DCP 2012 (Appendix C) to work in conjunction with the amended Sydney LEP 2012 to enable development on the site that corresponds with the indicative concept design.

Site Identification

This Planning Proposal relates to 1-11 Oxford Street, Paddington, which is legally identified as Lots 1 & 2 in DP130269 and Lot A in DP377984. The site is wholly owned by CE Boston Hotels Pty Ltd.

Site Description

The site is an irregular shaped block with an area of 1,574m² located on the corner of Oxford and South Dowling Streets. The site is occupied by a three-storey Federation Free Style building which is the former home of the Academy Twin Cinema. It is constructed from brick external walls that have been rendered and are painted cream. The main entrance to the building is located on a splayed corner at the junction of Oxford and South Dowling Streets. At the ground floor, retail tenancies line Oxford Street providing an active frontage. The upper levels are partially occupied by office suites while the internal theatre space is intact but is currently unoccupied. The site does not provide an active frontage to South Dowling Street.

The site is located within the Paddington Urban Heritage Conservation Area and is surrounded by multiple listed heritage items. To the immediate south of the site are Marshall Street and Rose Terrace which are lined with two storey residential terrace houses that are heritage listed as 'Terrace group including interiors' being 2-20 Rose Terrace (I1103) and 260-262 South Dowling Street (I1105). Many of the terraces lining South Dowling Street function as shop-top housing.

On the Corner of Oxford and South Dowling streets is the heritage listed Beauchamp Hotel (I1416) at 265-267 Oxford Street. The Beauchamp Hotel is a three-storey building with an extended parapet heritage listed as 'Beauchamp Hotel including interior'. To the east is an adjoining three-storey residential building apartment building with a frontage to Oxford Street. Opposite the site along Oxford Street is a mixture of terrace buildings with active ground floor frontages that are predominantly two storeys, transitioning to three storeys at 2-8 Oxford Street which is on the corner of Oxford Street and Barcom Avenue. On the corner of Oxford Street and Victoria Street is the University of Notre Dame which is a contemporary building that is 6-7 storeys in height that stands next to the Sacred Heart Church. Between Barcom Avenue and Victoria Street is St Vincent's Hospital which is 6-8 storeys in height.

The five-way intersection created by Oxford, South Dowling, Victoria and Boundary Streets, creates an opportunity for the public domain to be enhanced with prominent corner sites. Currently, the Notre Dame University and St Vincent's Hospital buildings stand at between 6-8 storeys creating a distinct sense of place. The smaller corner buildings being the site, Beauchamp Hotel and 2-8 Oxford Street are larger than their neighbouring buildings which gradually transition to two storey heights. This is a typical pattern of development along Oxford Street with corner sites being prominent 'bookends'.

The site is well serviced by public transport being located about 950m from Kings Cross Train Station and about 1.1km from Museum Train Station. Oxford Street is regularly serviced by a variety of bus services. A range of services and amenities exist in the area including restaurants, bars, cafes and a supermarket located about 750m west along Oxford Street. Public open space is accessible about 300m north at Green Park.



Figure 1 - The site in the neighbourhood context



Figure 2 - Aerial image of the site



Figure 3 - The site viewed looking east along Oxford Street

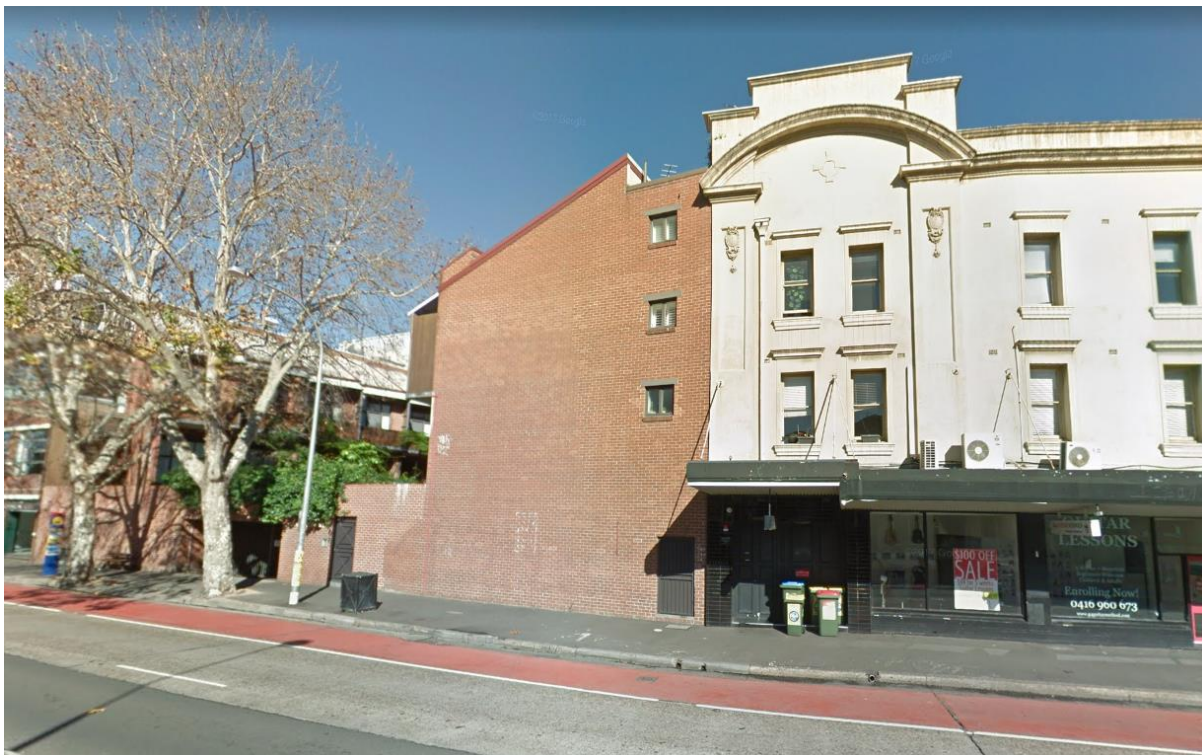


Figure 4 - Boundary of the site and 13-15 Oxford Street



Figure 5 - Marshall Street terraces



Figure 6 - (Left to right) Notre Dame University, St Vincent's Hospital and 2-8 Oxford Street

Existing Planning Controls

Table 1 and Map Extracts A-F below provide a summary of the key planning controls in the Sydney LEP 2012 that are relevant to the site.

Table 1 - Current Sydney LEP 2012 Controls

Aspect	Control	Comment
Land Use Table Zoning	B2 – Local Centre	<p>‘Tourist and visitor accommodation’, ‘Commercial Premises’ and ‘Medial Centres’ are permitted with consent in the B2 Local Centre Zone.</p> <p>The proposed land use as a medical-hotel with ancillary food and beverage venues and multi-use function rooms is consistent with the zone objectives to:</p> <ul style="list-style-type: none"> • “provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area” • “to encourage employment opportunities in accessible locations.”
4.3 Height of Buildings	15m	The maximum height of the indicative concept design height is 21.2m with the highest point being the lift overrun at RL 68.655m.
4.4 Floor Space Ratio	2.5:1	The proposed above ground GFA is 4,649.69m ² , being an FSR of 2.95:1. It is proposed for the basement GFA to be excluded from the calculations of FSR for the uses of a health services facility and ancillary hotel accommodation uses, this translates to a GFA of 1,022.44m ² within the basement, being an FSR of 0.65:1.
4.6 Exception to development standards		Amend Clause 4.6 to include the site as an exemption to development standards set out under the site-specific clause.
5.10 Heritage and Heritage Conservation	Busby’s Bore traverses beneath the site and is identified as a state heritage item	<p>Busby’s Bore which traverses beneath the site is a heritage item of state significance and identified on the heritage map.</p> <p>Careful consideration has been given to ‘Busby’s Bore’ in developing the indicative concept design. The attached Archaeological Report by AMAC Archaeological (Appendix G) and Report on Desktop Geotechnical Assessment by Douglas Partners (Appendix H) demonstrate that the proposal can be developed in accordance with the report recommendations to ensure the protection of ‘Busby’s Bore’</p>

	Within the Paddington Urban Conservation Area.	The concept design has considered the location of the site within the Paddington Urban Conservation Area and mitigated the heritage impacts of the proposal. A Heritage Impact Statement, prepared by Urbis, is provided with this Planning Proposal and is considered in more detail in Part 3, Section C of this report. The Heritage Impact Statement finds that the heritage impacts of the proposal are acceptable.
7.6 Public Transport Accessibility	Category E	Clauses 7.6 and 7.7 provide maximum parking rates for development. The site will comply as no parking is proposed.
7.14 Acid Sulfate Soils	Class 5	An Acid Sulfate Management Plan is required for works below 5m AHD by which the water table is likely to be lowered below AHD on adjacent land. A Report on Desktop Geotechnical Assessment (Appendix H) indicates that the site of the concept design is not within, or close to an area of acid sulfate soil risk.

Map Extract A – Zoning Map Sheet 022



Map Extract B – Floor Space Map Sheet 022

Maximum Floor Space Ratio (n:1)

F 0.6	X 4
H 0.7	Y 4.5
J 0.8	Z 5
L 0.9	AA1 6
N 1	AA2 6.5
P 1.25	AB1 7
S1 1.5	AB2 7.5
S2 1.75	AC 8
T 2	AD 9
U1 2.5	AE 10
U2 2.75	AF 11
V1 3	Refer to clause 6.14
V2 3.25	Refer to clause 6.15A
W1 3.5	Refer to clause 6.4
W2 3.75	



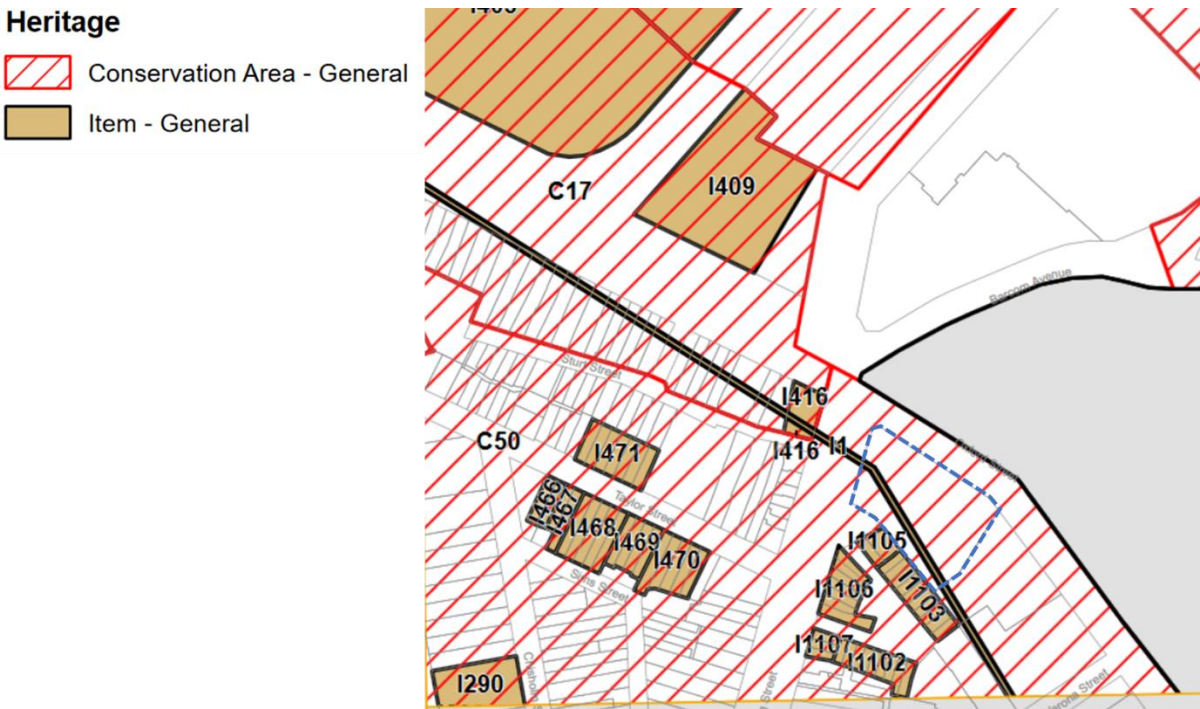
Map Extract C – Height of Buildings Map Sheet 022

Maximum Building Height (m)

A 3	W2 42
E 6	X 45
H 7.5	Y 50
I 8	Z 55
J 9	AA1 60
L 11	AA2 65
M 12	AA3 70
O 15	AB1 80
P 18	AB2 85
R 22	AC 110
S 24	AD 130
T1 25	AE 150
T2 27	AH 235
T3 28	Area 1
T4 29	Area 2
U1 30	Area 3
U2 33	Area 4
V 35	Area 5
W1 40	



Map Extract D – Heritage Map Sheet 022



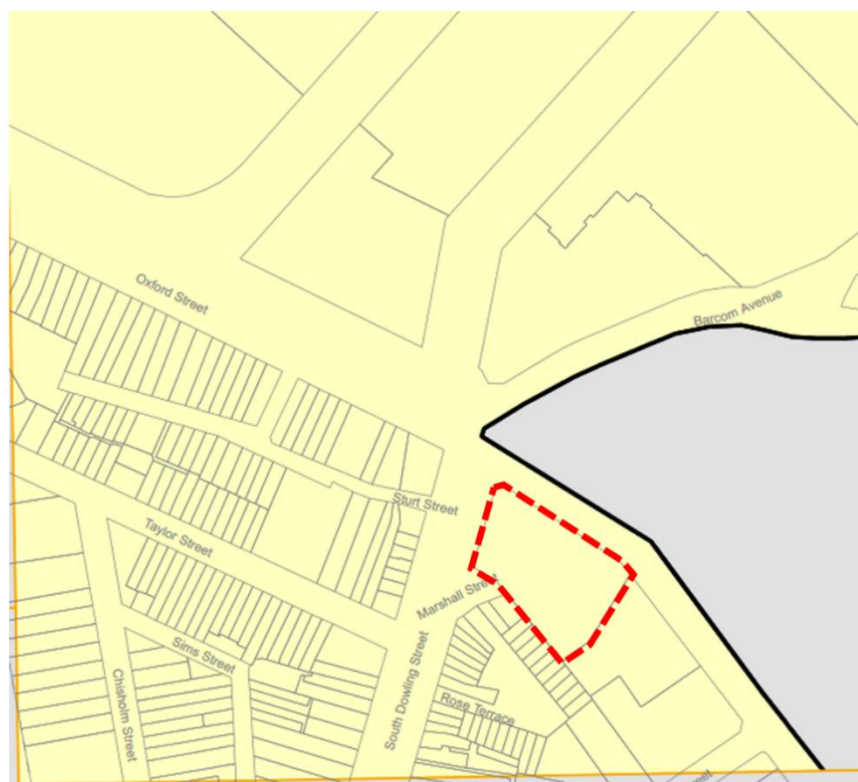
Map Extract E – Public Transport Accessibility Map Sheet 022



Map Extract G – Acid Sulfate Soils Map Sheet 022

Acid Sulfate Soils

1	Class 1
2	Class 2
3	Class 3
4	Class 4
5	Class 5



Project Description

The project indicative concept design depicts a 6-storey mixed-use building with two basement levels, a roof terrace and an internal courtyard. The proposal contains a medical-hotel, ancillary multi-purpose venues, a ground floor and a rooftop food and beverage space.

The building envisioned under the indicative concept design is a maximum of RL 68.655m (21.2m as measured from existing ground level) in height (at the lift overrun) across 6 storeys. The upper storeys are setback from the retained façade keeping the existing street wall height which is below the existing height limit. The top storey is setback within a roof terrace to minimise the apparent scale of the building.

The proposed above ground GFA is 4,649.69m², being an FSR of 2.95:1. The proposal includes a GFA of 1,022.44m² within the basement, being an FSR of 0.65:1. It is proposed for the basement GFA to be excluded from the calculations of FSR for the uses of a health services facility and ancillary hotel accommodation uses. No parking is proposed on site but a single loading bay is provided from South Dowling Street that will utilise a truck lift to provide basement access.

Use

The proposal is part of a collaborative effort between CE Boston Hotels and SVPHS. SVPHS is a collaborative partner for the project that will provide purpose-built (but non-exclusive) accommodation for hospital patients and their families at the upper levels. In the basement levels, there is the opportunity to situate specialised medical facilities and to use multipurpose function rooms for state-of-the-art medical education and training. The potential medical facility has an area of 418.76m² under the indicative concept design. Under the proposed controls, the hotel could contain 102 hotel rooms alongside its ancillary uses. This strategic land use is compatible with the objectives of the 'Sydney Region Plan, A Metropolis of Three Cities' and the 'Eastern City District Plan' which encourage job creation in areas serviced by public transport and increased services for the community.

While the hotel will be primarily a medical-hotel, it will also be accessible to the general public. The hotel design under the concept plan includes two multipurpose venue space in basement level 1 with a combined area of 379.6m² which will likely be used as an entertainment facility and/or food and beverage uses and/or conference facility. The ground floor space with a combined area of 392.8m² and rooftop area with a combined area of 159.35m² will likely be used for food and beverage uses and contribute to the night time economy of Oxford Street.

These elements of the concept plan enhance the adaptability and resilience of the proposal and support the objectives of the Greater 'Sydney Region Plan, A Metropolis of Three Cities' and the 'Eastern City District Plan' and 'Sustainable Sydney 2030' which all encourage tourism uses and the night-time economy in the Harbour CBD.

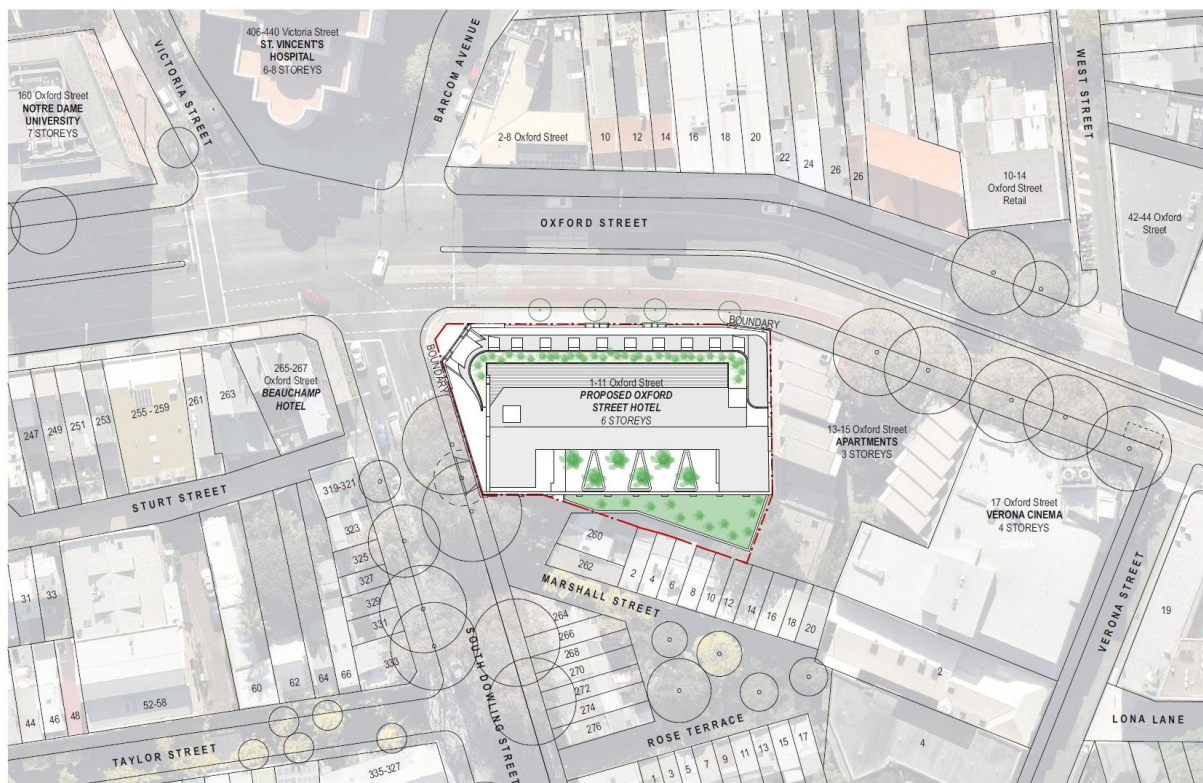
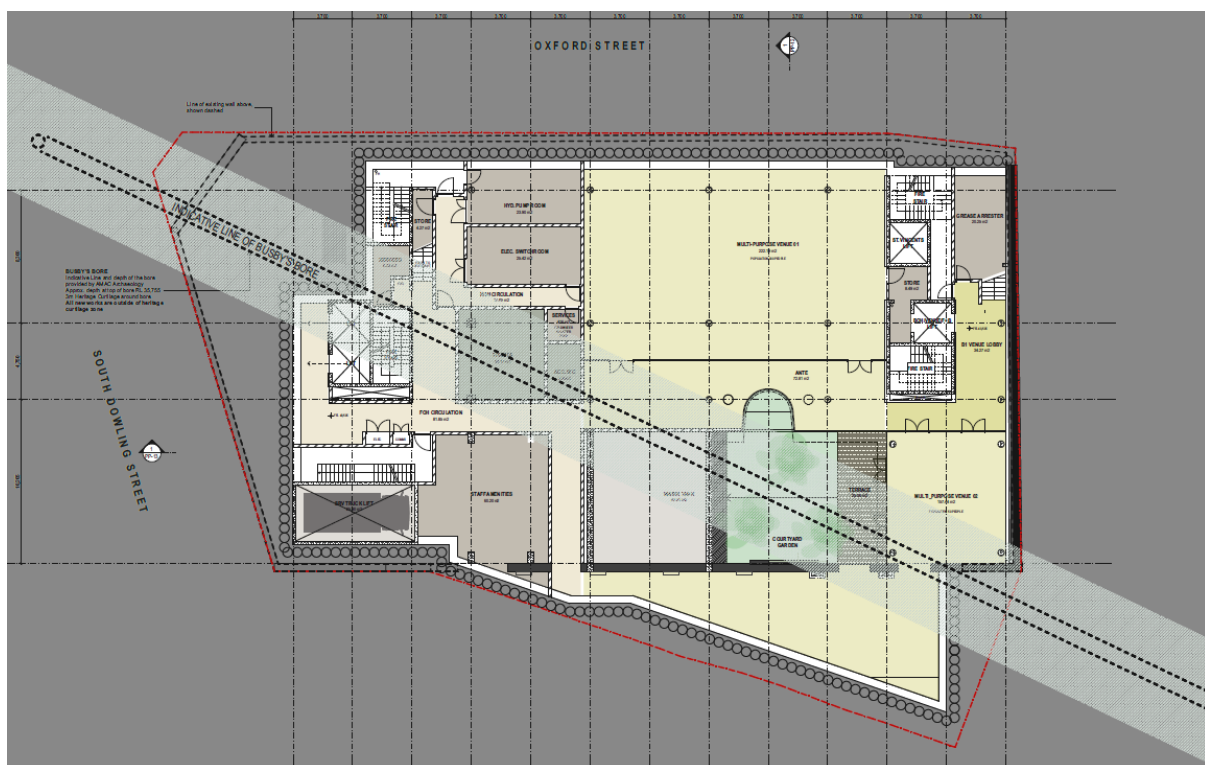
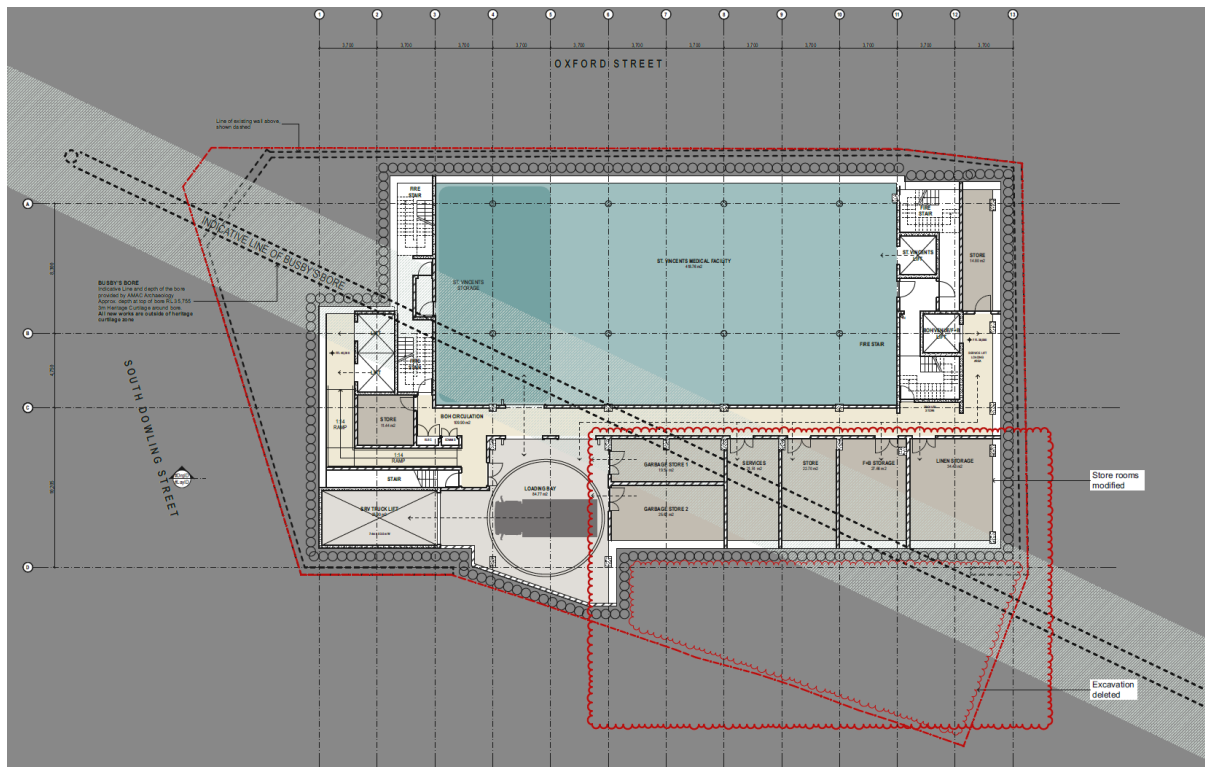


Figure 7 - Site plan of the indicative concept design. Drawing pp.01



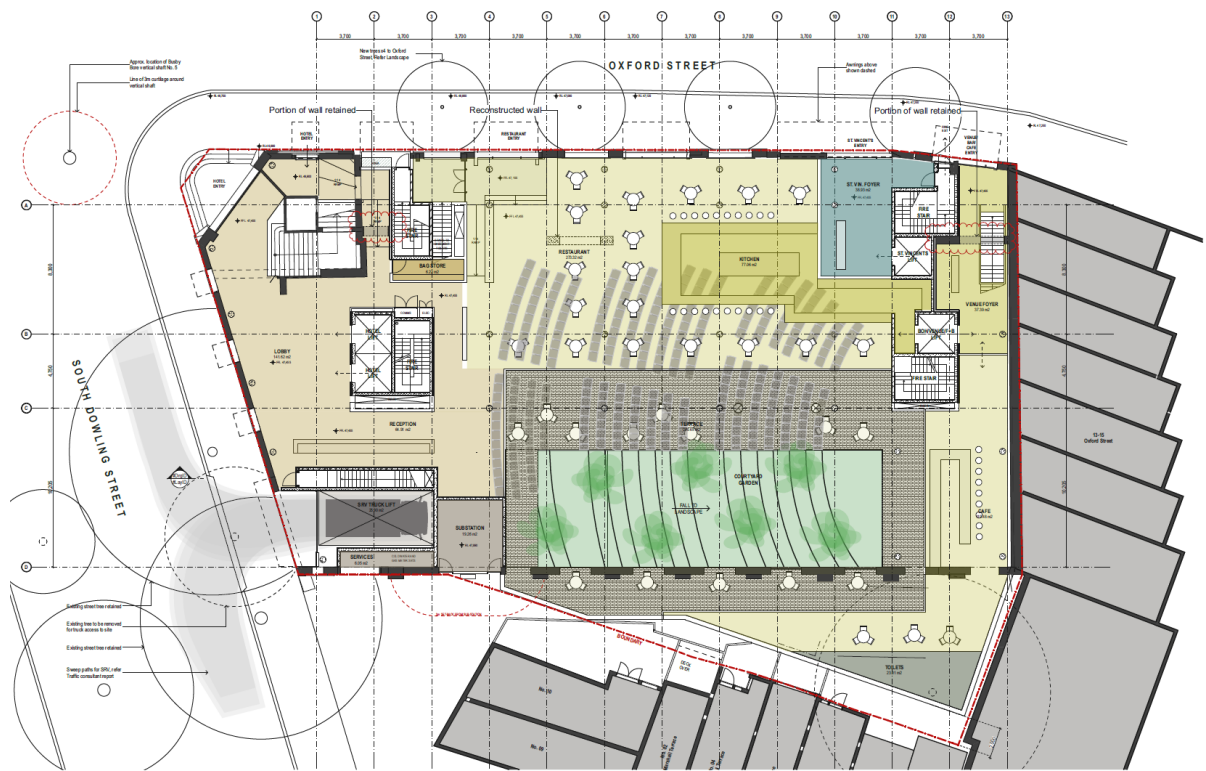


Figure 10 - Ground level floor plan. Drawing pp.04

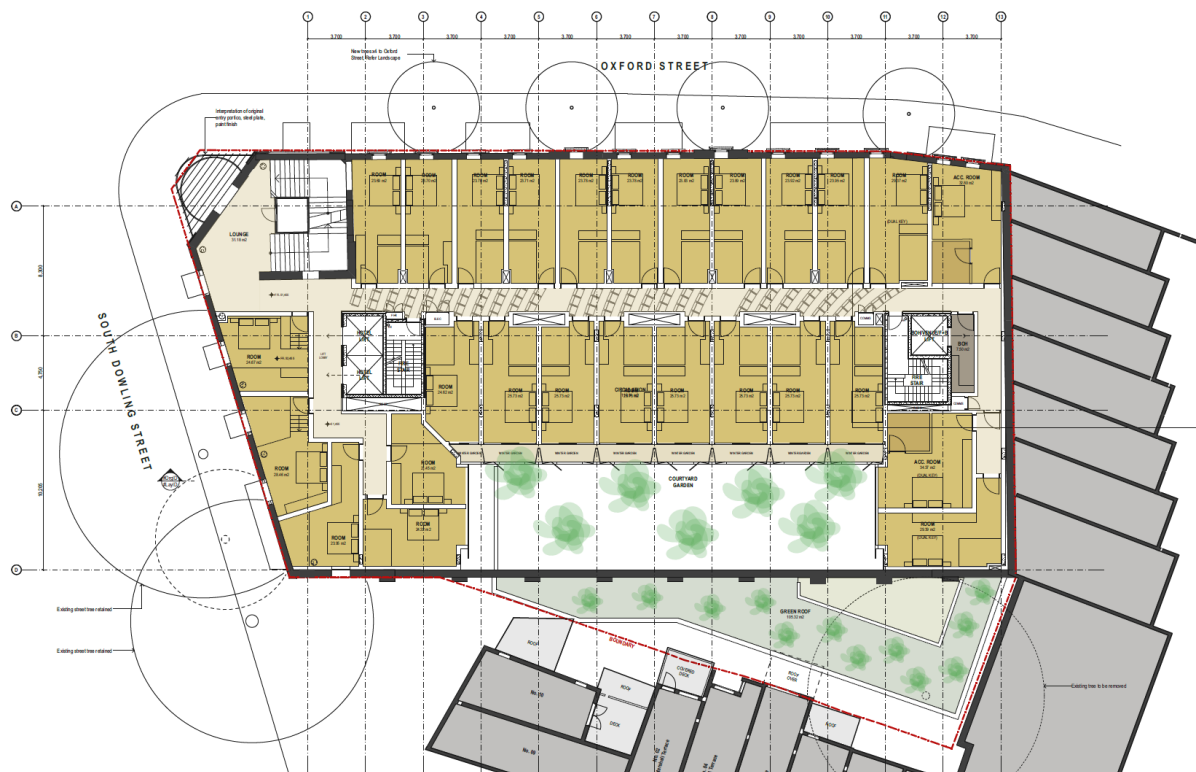


Figure 11 - Level 1 floor plan. Drawing pp.05



Figure 12 - Level 2 floor plan. Drawing pp.08



Figure 13 - Level 3 floor plan. Drawing pp.09

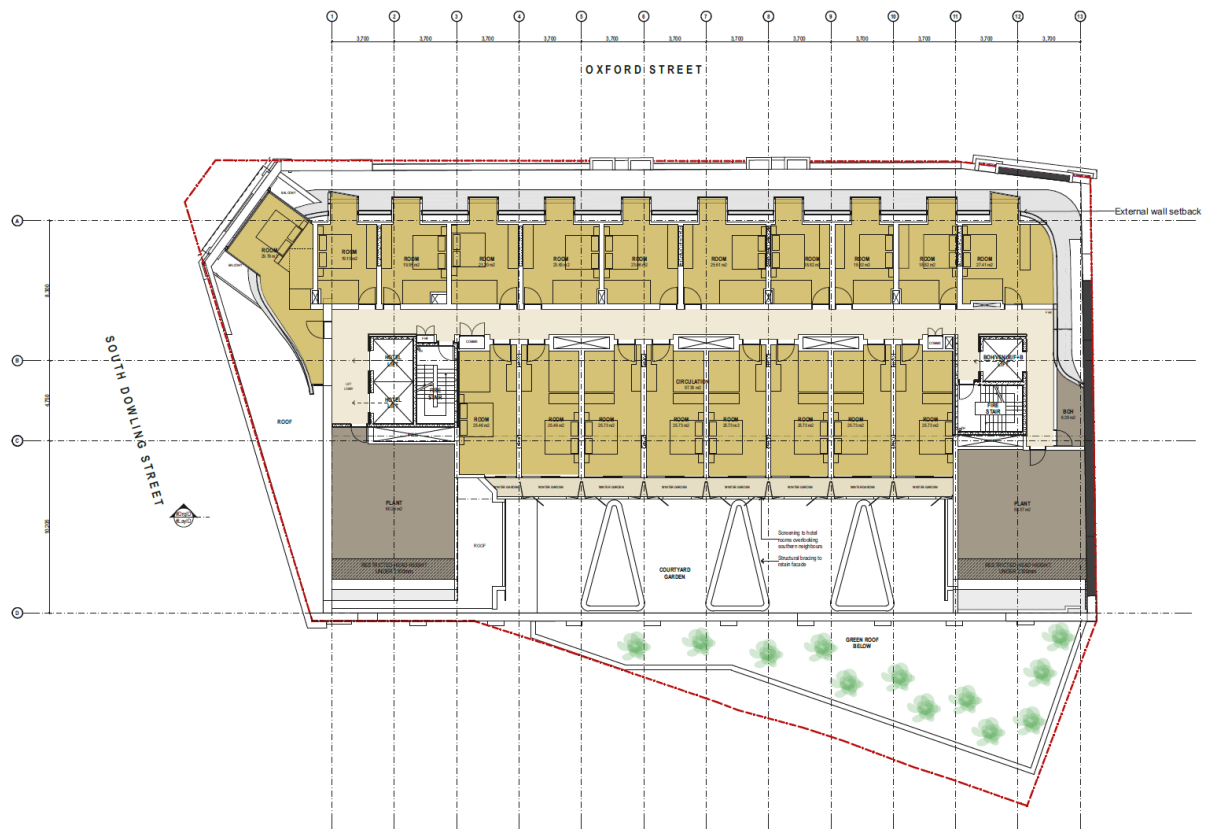


Figure 14 - Level 4 floor plan. Drawing pp.10

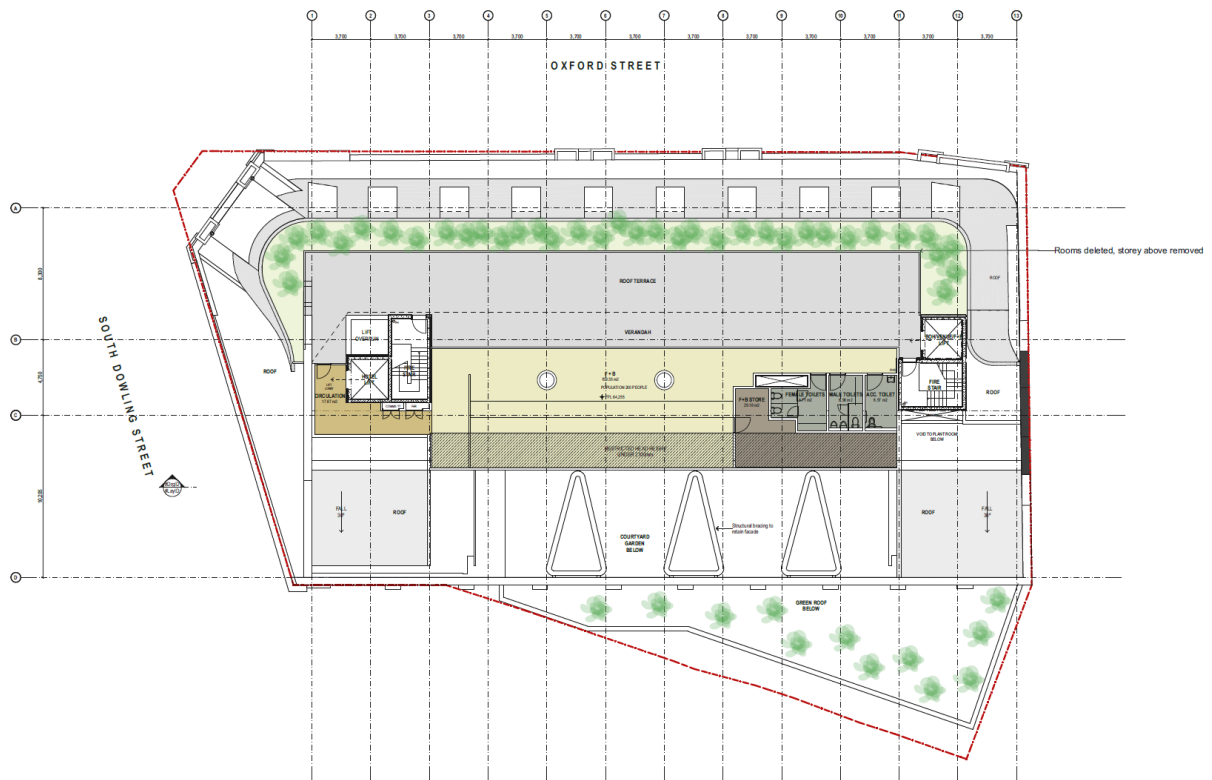


Figure 15 - Fifth floor plan. Drawing pp.11

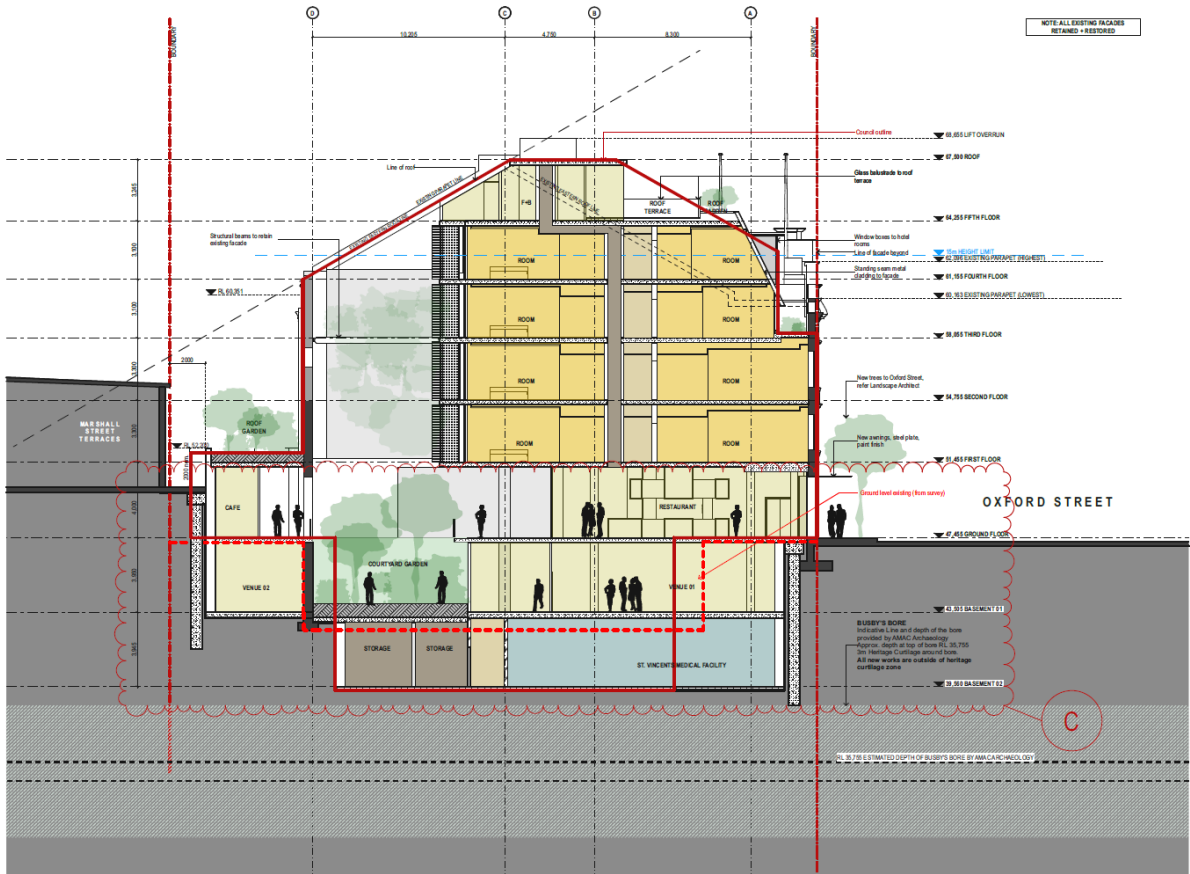


Figure 16 - Cross section of the indicative concept design. Drawing pp.12

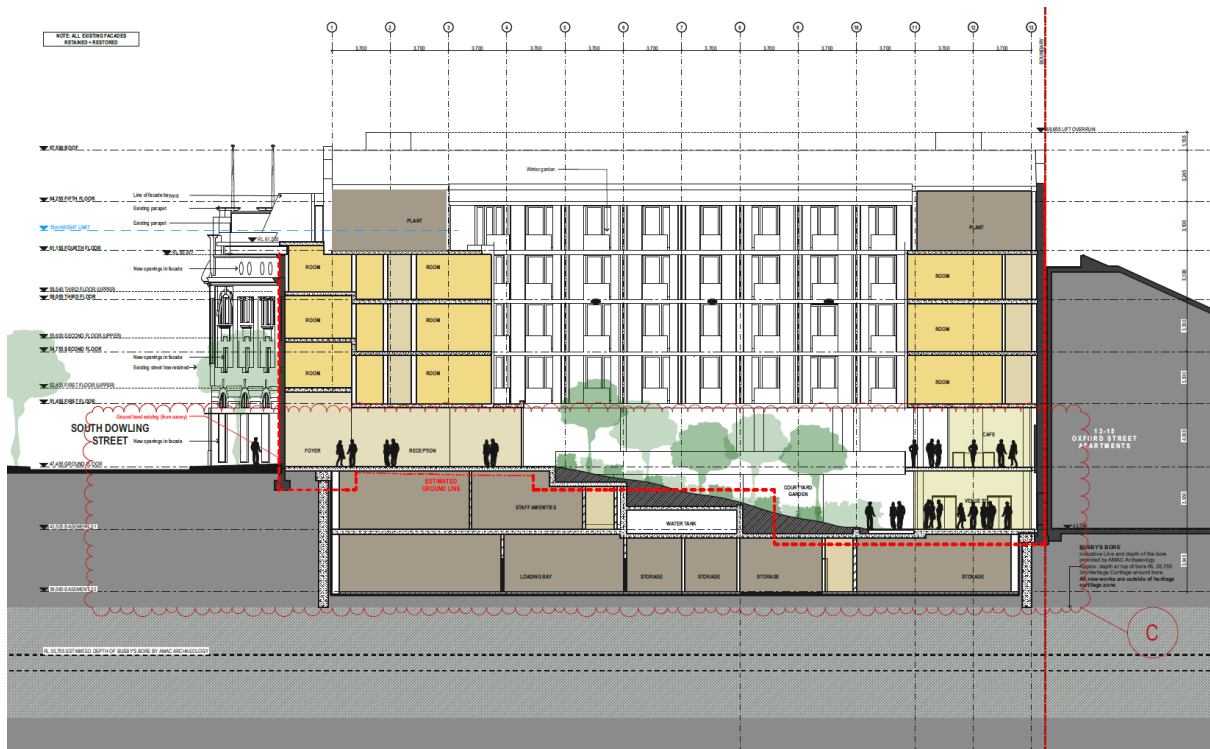


Figure 17 - Long section of the indicative concept design. Drawing pp.13



Figure 18 - Northern elevation of the indicative concept design. Drawing pp.14

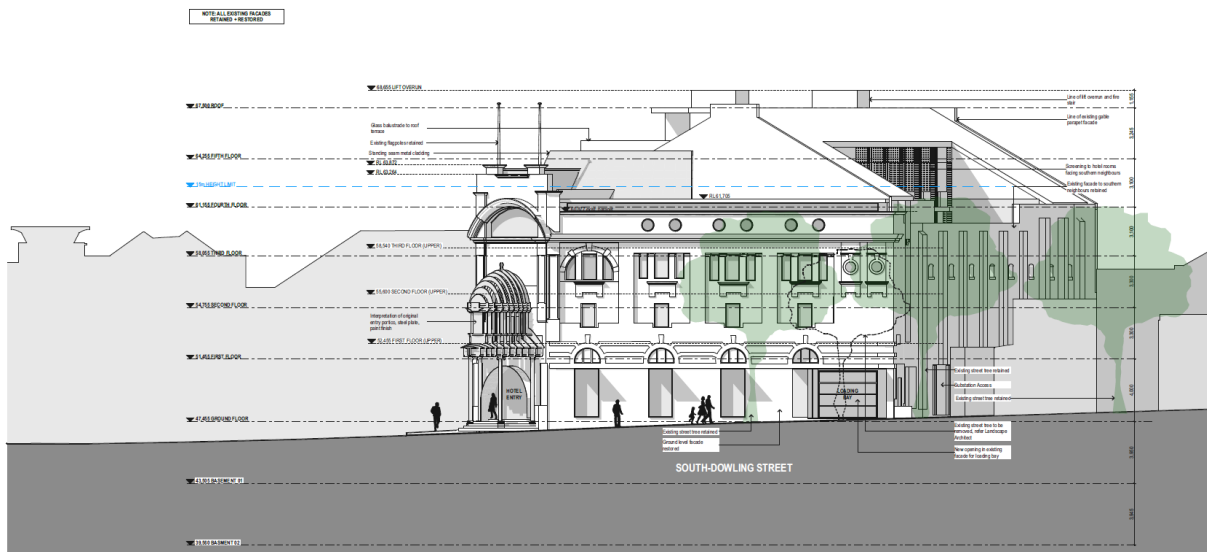


Figure 19 - Western elevation of the indicative concept design. Drawing pp.15

Part 1 – Objectives or Intended Outcomes

The Planning Proposal will amend the Sydney LEP 2012 and Sydney DCP 2012 in relation to 1-11 Oxford Street in order to:

- Enable the development of a mixed-use building containing a medical-hotel and ancillary facilities that are aligned with the B2 Local Centre zone objectives.
- Incentivise strategic land uses near St Vincent’s Hospital and Notre Dame University.
- Deliver increased tourist and visitor accommodation within the City of Sydney LGA.
- Ensure an appropriate transition in building height and scale between existing lower-scale development to the south of the site and larger bookend sites at the junction of South Dowling Street and Oxford Street.
- Protect solar access and the amenity of existing southern terraces at Rose Terrace and Marshall Street.
- Protect the existing building's contribution to the Paddington Urban Heritage Conservation Area.

Part 2 – Explanation of the Provisions

This Planning Proposal seeks to amend the existing planning controls to allow for an increased floor space ratio and maximum building height on the site where it is used for the purposes of hotel or motel accommodation, a health services facility and a mix of ancillary uses within the rooftop level, ground floor level and first basement level.

It is proposed to amend the Sydney LEP 2012 by:

- Inserting a new Clause under Part 6, Division 5 Site Specific Provisions, to create a site-specific provision that applies where the site is used primarily for the purposes only of tourist and visitor accommodation and health services facilities without precluding a mix of potential ancillary uses within the rooftop level, ground floor level and first basement level of the building. The potential ancillary uses of the development will likely include food and beverage and entertainment facility. however, could potentially include a business premises, conference facility, community facilities, information and education facilities, recreation facilities (indoor), retail premises and registered club. Where the conditions of the clause are met it would:
 - Permit a maximum building height of RL 68.655m.
 - Permit a maximum floor space ratio of 2.95:1.
- Amending Clause 4.6 to prevent any exceptions to development standards that are contained within the site-specific Clause that is created for the site.

Example of proposed clauses

Part 6 Local provisions — height and floor space

Division 5 Site-specific provisions

6.4# 1-11 Oxford Street, Paddington

(1) This clause applies to land at 1-11 Oxford Street, Paddington, being Lots 1 and 2 of DP 130269 and Lot A of DP377984 (the subject land).

(2) Despite clauses 4.3 and 4.4, development consent may be granted to the erection of a new building, or alterations or additions to an existing building, on the subject land that will result in a building:

- (a) with a maximum height of RL 68.655 metres, and
- (b) with a maximum floor space ratio of 2.95:1.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that the development's uses include:

- (a) tourist and visitor accommodation; and/or,
- (b) health services facilities.

- (4) Despite clause 4.4, development consent may be granted for an amount of additional floor space equal to the floor space of any parts of the basement of the building used for the purposes of a health services facility and/or ancillary hotel accommodation uses.
- (5) Despite any other provision of this Plan, a building erected in accordance with a development consent granted under this clause must not be used for the purpose of residential accommodation or serviced apartments.
- (6) Clause 6.21 (7) does not apply to development on the subject land under this clause.

Part 4 principal development standards

4.6 Exceptions to development standards

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 4.3 (Height of buildings), but only in relation to land shown as being in Area 1 or Area 2 on the Height of Buildings Map,
 - (cab) clause 4.5A (Balconies on certain residential flat buildings),
 - (cb) clause 5.3A (Development below ground level in Zone RE1),
 - (cc) clause 6.10 (Heritage floor space),
 - (cd) clause 6.11 (Utilisation of certain additional floor space requires allocation of heritage floor space),
 - (cda) clause 6.11A (Temporary alternative heritage arrangements in relation to allocation of heritage floor space),
 - (ce) clause 6.17 (Sun access planes),
 - (cf) clause 6.18 (Exceptions to sun access planes),
 - (cg) clause 6.19 (1) (d)–(h) and (j), unless the additional overshadowing is caused by playground equipment, a shade structure, an awning, a sculpture or artwork, or a community notice or public information sign,
 - (cga) clause 6.26 (AMP Circular Quay precinct),
 - (cgb) clause 6.29 (58–60 Martin Place, Sydney),
 - (cgc) clause 6.33 (230–238 Sussex Street, Sydney),

(cgd) clause 6.35 (45 Murray Street, Pyrmont), but only if the development is an alteration or addition to an existing building,

(cge) clause 6.36 (12–20 Rosebery Avenue, 22–40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery),

(cgf) clause 6.37 (296–298 Botany Road and 284 Wyndham Street, Alexandria),

(cgg) clause 6.41 (7–15 Randle Street, Surry Hills),

(ch) Division 1 of Part 7 (Car parking ancillary to other development).

(cgX) clause 6.4# (1-11 Oxford Street, Paddington)

Part 3 – Justification

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The proposal is the result of contextual analysis of the site in conjunction with expert reports and a collaboration between SVPHS and the proponent, CE Boston Hotels. This collaboration has identified important synergistic opportunities which have been integrated into the indicative concept design by Tonkin Zulaikha Greer Architects. The professional reports which support the proposal are referenced throughout this report and accompany the report as appendices. These reports are supportive of the proposal and demonstrate that it is consistent with the relevant strategic plans, State Environmental Planning Policies and Ministerial Directions.

Collaboration with St Vincent's Private Hospital Sydney

The potential benefits of the proposal to SVPHS were discussed in a letter from SVPHS CEO Tim Daniel to City of Sydney CEO Monica Barone dated 13 May 2018 which is Appendix D to this report. The benefits as stated in the letter

“include, but are not necessarily limited to:

- co-location of high-quality, purpose-built accommodation for patients and their families;*
- integrating specialised medical facilities into the proposed multi-use function rooms, with optic fibre connection to SVPHS for live video streaming, to facilitate global state of the art medical education and training; and*
- bringing much needed economic activity from international visitors and patients, doctors, nurses, specialists and others associated with SVPHS to reinvigorate the Site and broader Oxford Street retail precinct”.*

Context Analysis Report

The Planning Proposal has been initiated by the proponent to enable the realisation of the indicative concept design (Appendix A). The indicative concept design was informed by an Urban Context Analysis Report (Appendix E) which undertook an extensive analysis of the area surrounding the site. Having considered view impacts from near and afar, appropriate height and scale, and potential overshadowing impacts 7 alternative designs were proposed (figure 20). The quality of the contribution made by each option to Oxford Street, the Paddington Urban Heritage Conservation Area, neighbouring amenity and the existing building were considered in depth. Based on feedback from Council, the indicative concept design has been created in accordance with Option 4 which includes a roof terrace and is compatible with the development objectives.

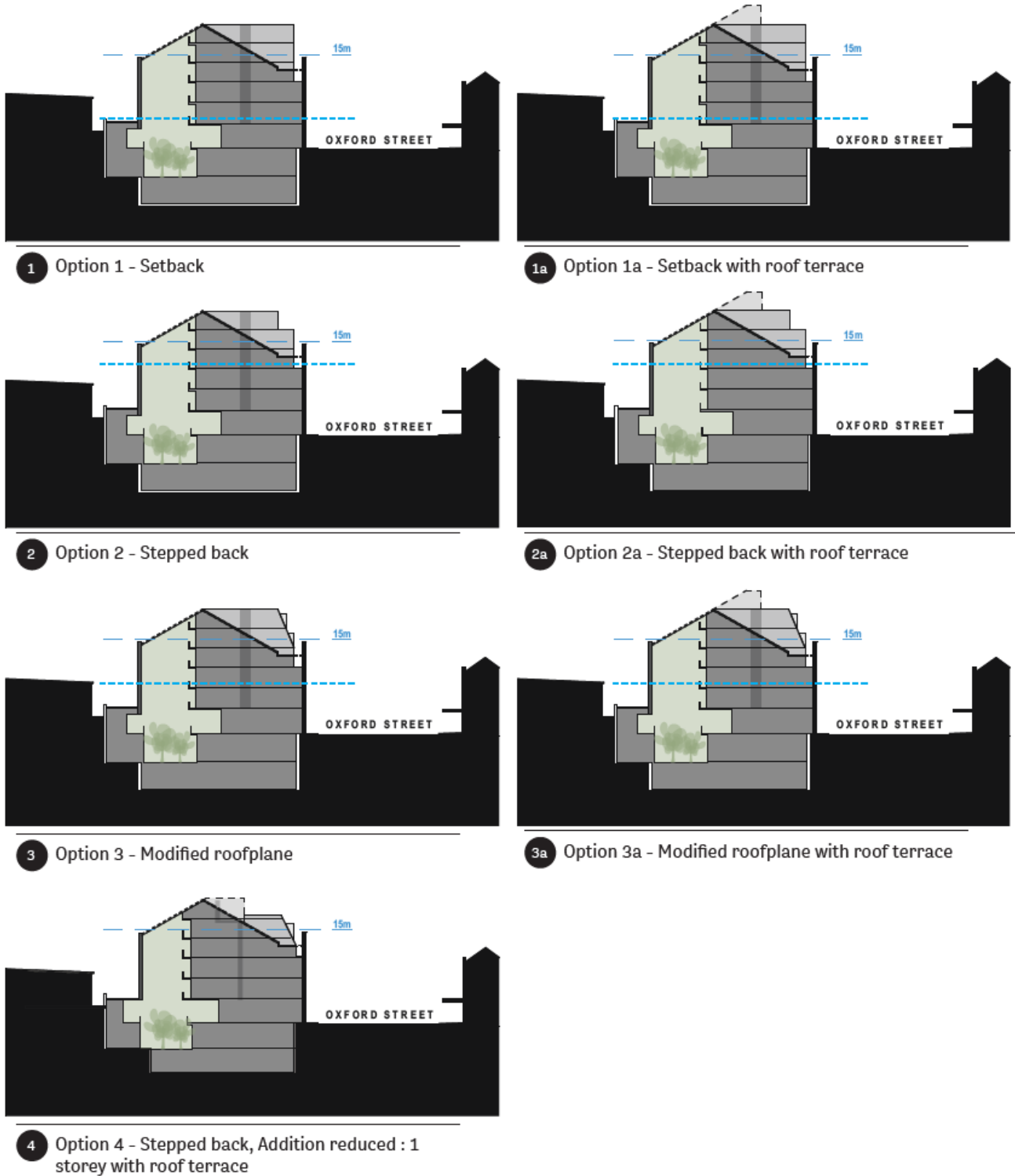


Figure 20 - 7 built form options considered in the Context Analysis Report

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

The objectives for the site include enabling the development of a new medical-hotel in a mixed-use development containing ancillary uses and ensuring that future development achieves an appropriate height and scale.

The current building height controls permit buildings up to 15 metres and an FSR of 2.5:1. Under the existing controls, the site objectives of constructing a viable medical-hotel with ancillary uses cannot be achieved.

Under Clause 4.6 of the Sydney LEP 2012, development consent may be granted for development which exceeds the maximum height or FSR as set out on the relevant map. However, the height and FSR of the preferred scheme is substantially greater than the existing controls. Approval of a development application that substantially exceeds the height control would set an undesirable precedent, undermine the Sydney LEP 2012 height controls and prevent broader strategic considerations of allowing additional height at the site. Varying the existing maximum building height control through a development application is not an appropriate way to achieve the objectives.

A Planning Proposal is the most suitable means of achieving the objectives and intended outcomes. By amending the Sydney LEP 2012 to allow for additional height and FSR, the indicative concept design will be enabled and the intended objectives can be met. By inserting a site-specific section into the Sydney DCP 2012 to require the conditions of the indicative concept design (Appendix C), Council can be assured of a positive built form outcome for the site that respects the amenity of surrounding development.

Following the planning proposal being endorsed at the Central Sydney Planning Committee (CSPC), a development application would be submitted for Council's consideration.

Section B – Relationship to Strategic Planning Framework

The NSW Department of Planning and Environment Guide to Preparing Planning Proposals provides a two-part strategic merit test to justify changes to Local Environmental Plans. Part A considers whether the proposal has strategic merit and is consistent with regional, district and local strategic plans and whether it responds to a change in circumstances. Part B considers whether the proposal has site-specific merit in regards to the natural environment, existing and future land uses and current or future services and infrastructure.

Part A is considered in detail within this section of the report.

In response to Part B, the proposal is considered to have site-specific merit in regards to the existing and future land uses surrounding the site and in supporting existing infrastructure. The surrounding land use is mixed commercial and residential with Oxford Street serving as a high street and local centre. The existing building has been underutilised in recent years and is not contributing fully to its role in maintaining activity along Oxford Street. The proposal will revitalise and activate the ground floor, encourage medical and educational use during the day and contribute to the night time

economy through the hotel accommodation and food and drink premises. These uses will encourage activity in the vicinity of the site during both day and night.

The proposed use as a medical-hotel is the result of collaboration between the proponent and SVPHS who are supportive of the proposal. The medical-hotel will assist SVPHS to continue to operate in its role as a world class medical facility in the context of rising demand for services. The proposal thereby contributes directly to enhancing the capacity of existing infrastructure in the area.

Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan, A Metropolis of Three Cities

The *Greater Sydney Region Plan, A Metropolis of Three Cities* was released by the Department of Planning and Environment (DP&E) in March 2018 and is the NSW Government's current strategic plan for metropolitan Sydney. The Plan provides a broad strategic vision for Sydney towards 2056 based on a polycentric strategy that divides Sydney into three cities, being the Eastern Harbour City, the Central River City and the Western Sydney Aerotropolis. The site is centrally located within the Eastern Harbour City.

The Greater Sydney Region Plan identifies 40 objectives across categories of Infrastructure, Collaboration, Liveability, Productivity, Sustainability and Implementation. The objectives that are relevant to the proposal are discussed below in Table 2.

Table 2 - Compliance with the relevant objectives of the Greater Sydney Region Plan

Objective	Compliance	Comment
Objective 6 Services and infrastructure meet communities' changing needs	Yes	<p>The collaboration between SVPHS and the proposed medical-hotel provides synergistic opportunities to provide accommodation for patients and their families, integrate additional medical facilities into the development and provide medical-education facilities.</p> <p>The proposal contributes to increasing the capacity of SVPHS and co-locating purpose-built short-term accommodation. This supports the changing infrastructure and service needs of the community as the population and demands for medical services increase and directly responds to the health services considerations under Objective 6.</p>
Objective 7	Yes	The proposal is located near significant residential populations and supports employment in a variety of industries including medical fields, education and hospitality. Mixed uses and an active street frontage support street life and promote

Communities are healthy, resilient and socially connected		neighbourhood safety. The retention and restoration of the existing building façade and internal stairs will ensure the continued cultural and heritage contribution of the site. The proposal supports a healthy, resilient and socially connected neighbourhood.
Objective 12 Great places that bring people together	Yes	<p>The proposal will facilitate the renewal of the currently underutilised site. Under the indicative concept design, the existing façade is retained and restored which will make a positive aesthetic contribution to the public domain. The concept design also supports an urban fine grain with multiple ground-level entries and foyers and active frontages.</p> <p>The proposal supports the objective of developing great places that bring people together.</p>
Objective 13 Environmental heritage is identified, conserved and enhanced	Yes	<p>While the site is not itself a heritage item, it is located in the Paddington Urban Heritage Conservation Area and is situated above 'Busby's Bore' which is listed on the State Heritage Register. The Heritage Impact Statement by Urbis (Appendix F) identifies that the internal fabric of the building is of little to no heritage significance. The greatest heritage contribution of the building is its façade and its position as a contributory building within the Conservation Area.</p> <p>The proposal includes the retention and restoration of the existing façade to continue the site's contribution to the Conservation Area. Sightlines to and from existing nearby heritage items are unaffected.</p> <p>Careful consideration has been given to 'Busby's Bore' in developing the indicative concept design. The attached Archaeological Report by AMAC Archaeological (Appendix G) and Report on Desktop Geotechnical Assessment by Douglas Partners (Appendix H) demonstrate that the proposal can be developed in accordance with the report recommendations to ensure the protection of 'Busby's Bore'.</p> <p>The proposal has taken into consideration the conservation and enhancement of environmental heritage and is considered appropriate.</p>
Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	Yes	Objective 14 supports the creation of walkable, 30-minute cities. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport.

		The site is within walking distance of both Kings Cross Train Station (about 950m) and Museum Train Station (about 1.1km). The site is also serviced by regular bus routes along Oxford Street. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes commute. The site's location within a high street with close proximity to train and bus services promotes walkability and the vision of a 30-minute city.
Objective 18 Harbour CBD is stronger and more competitive	Yes	The site is located within the Harbour CBD area and will support the Harbour CBD's global role by providing food and drink venues, tourist and visitor accommodation and multifunction rooms which may be used in conferences and education. The proposal also supports collaboration with SVPHS supporting internationally competitive health and education facilities.
Objective 21 Internationally competitive health, education, research and innovation precincts	Yes	The proposal for a medical-hotel has been designed in collaboration between the proponent and SVPHS. The proposal will support specialised medical facilities and the multi-function rooms can facilitate global state of the art medical education and training. The proposal supports globally competitive health and education.
Objective 22 Investment and business activity in centres	Yes	The site is located near significant residential populations and supports employment in a variety of industries including assorted medical fields, education and hospitality. The proposal is located on Oxford Street which is a high street and local centre that is well serviced by regular bus routes and is near to Kings Cross and Museum train stations.
Objective 24 Economic sectors are targeted for success	Yes	The modification of the planning controls to accommodate construction of a medical-hotel opposite SVPHS is consistent with strategy 24.2 to encourage the development of a range of well-designed and located tourist facilities. In this instance, the hotel would be ideally situated to serve its purpose as a medical-hotel.

Eastern City District Plan

The Eastern City District Plan is informed by the Greater Sydney Region Plan, *A Metropolis of Three Cities* and was released by the DP&E in March 2018. It is the NSW Government's current strategic plan for the Eastern City District. The vision articulated for the Eastern City District is to "become more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs

from the Asia Pacific Region”. This is to be achieved, in part by, stimulating the night time economy, and aligning growth with infrastructure.

The Eastern City District Plan identifies 21 Planning Priorities for the district to meet the strategic vision of the Greater Sydney Region Plan. The Planning Priorities that are relevant to the proposal are discussed below in Table 3.

Table 3 - Compliance with the Eastern City District Plan

Planning Priority	Compliance	Comment
Planning Priority E1 Planning for a city supported by infrastructure	Yes	The collaboration between SVPHS and the proposed medical-hotel provides synergistic opportunities to maximise the use of existing health care infrastructure.
Planning Priority E3 Providing services and social infrastructure to meet people’s changing needs	Yes	<p>The collaboration between SVPHS and the proposed medical-hotel provides synergistic opportunities to provide accommodation for patients and their families, integration of additional medical facilities into the development and opportunities for medical-education facilities.</p> <p>The proposal contributes to increasing the capacity of SVPHS by co-locating purpose-built short-term accommodation that can be used by patients and their families and by providing floor space for other related medical uses. This supports the changing infrastructure and service needs of the community as the population and demands for medical services increase and directly responds to the health services considerations under Planning Priority E3.</p>
Planning Priority E6 Creating and renewing great places and local centres, and respecting the District’s heritage		<p>The proposal will facilitate the renewal of the currently underutilised site. Under the indicative concept design, the existing façade is retained and restored which will make a positive aesthetic contribution to the public domain. The concept design also supports an urban fine grain with multiple ground level entries and foyers and active frontages.</p> <p>While the site is not itself a heritage item, it is located in the Paddington Urban Heritage Conservation Area and is situated above ‘Busby’s Bore’ which is listed on the State Heritage Register. The Heritage Impact Statement by Urbis (Appendix F) identifies that the internal fabric of the building is of little to no heritage significance. The greatest heritage contribution of the building is its façade and its position as a contributory building within the Conservation Area.</p>

		<p>The proposal includes retention and restoration of the existing façade to continue the site’s contribution to the Conservation Area. Sightlines to and from existing nearby heritage items are unaffected.</p> <p>Careful consideration has been given to ‘Busby’s Bore’ in developing the indicative concept design. The attached Archaeological Report by AMAC Archaeological (Appendix G) and Report on Desktop Geotechnical Assessment by Douglas Partners (Appendix H) demonstrate that the proposal can be developed in accordance with the report recommendations to ensure the protection of ‘Busby’s Bore’.</p> <p>The proposal will contribute positively to Oxford Street and the Paddington Urban Conservation Area. It has considered conservation and enhancement of existing environmental heritage and is considered appropriate in this regard.</p>
Planning Priority E7 Growing a stronger and more competitive Harbour CBD	Yes	<p>The site is located within the Harbour CBD area and will support the Harbour CBD’s global role by providing entertainment venues, tourist and visitor accommodation and multifunction rooms which may be used in conferences and education. The proposal also supports collaboration with SVPHS supporting internationally competitive health and education facilities.</p>
Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	Yes	<p>Planning Priority E10 supports the creation of walkable, 30-minute city. The 30-minute city refers to a city where most residents can access a metropolitan centre or cluster within 30-minutes by public transport.</p> <p>The site is within walking distance of both Kings Cross Train Station (about 950m) and Museum Train Station (about 1.1km). The site is also serviced by regular bus routes along Oxford Street. As an employment location, the site is accessible to a wide range of residential areas within 30 minutes. The site’s location within a high street with close proximity to train and bus services promotes walkability and the vision of a 30-minute city.</p>
Planning Priority E13 Supporting growth of targeted industry sectors	Yes	<p>The visitor economy is a targeted industry section under Planning Principal E13. The proposal directly contributes to the visitor economy by providing conveniently located tourist accommodation that is near public transport, major tourist attractions and the CBD. The inclusion of ancillary medical, education, function and food and beverage spaces enhances the Concept Design’s potential to contribute to the value of the visitor economy.</p>

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is considered to be consistent with a number of local strategies and local strategic plans including Sustainable Sydney 2030, Visitor Accommodation Action Plan and Activate Oxford Street. This is discussed in detail below.

Sustainable Sydney 2030

The current City of Sydney strategic plan is Sustainable Sydney 2030 (SS2030). SS2030 provides a vision of the Council being green, global and connected. This vision is supported by 10 strategic directions alongside targets and objectives. The relevant strategic directions are considered in Table 4.

Table 4 - Compliance with Sustainable Sydney 2030

Direction	Compliance	Comment
Direction 1 A globally competitive City	Yes	This Planning Proposal supports the renewal of an underutilised site that will provide employment opportunities and contribute the visitor and night-time economies of Sydney. The indicative concept development provides for a high-quality urban design outcome that will support the continued appeal of Oxford Street as a tourist and shopping destination.
Direction 2 A leading environmental Performer	Yes	The concept design is intended to be a 5-star or higher green star design. The design is also intended to achieve at least a 5-star NABERS rating after the hotel is constructed. These requirements are proposed to be contained with a site-specific DCP section (Appendix C) to ensure compliance.
Direction 3 Integrated transport for a connected city	Yes	The site is within walking distance of both Kings Cross Train Station (about 950m) and Museum Train Station (about 1.1km). The site is also serviced by bus routes along Oxford Street. As an employment location, the site is accessible to a wide range of residential areas. The site's location within a high street with close proximity to train and bus services promotes the vision of a walkable city that has high levels of public transport access.
Direction 5 A lively and engaging city centre	Yes	The proposal will facilitate the renewal of the currently underutilised site. Under the indicative concept design, the existing façade is retained and restored which will make a positive aesthetic contribution to the public domain. The concept design also supports an urban fine grain with multiple ground level entries and foyers and active frontages. The proposal supports the objective of developing a lively and engaging city.

Direction 9 Sustainable Development, Renewal and Design	Yes	<p>Target benchmarks for sustainability of the hotel development are established in the DCP. These include achieving certification for a 5-star or higher Green Star for the design, and at least 5-stars NABERS energy and water accreditation after construction.</p> <p>The site-specific DCP includes provisions for the development to specify design measures and targets for energy, water and waste.</p> <p>Combined with the positive sustainability benefit from reusing the existing building at 1-11 Oxford Street and its embodied energy, the proposal is considered to provide a significant contribution to sustainable development.</p>
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Visitor Accommodation Action Plan

Sydney's tourism industry makes a significant contribution to the local and State economy. In 2012, Sydney attracted 10.5 million visitors for business or leisure; with 4.3 million staying in the local area. The Australian Government's tourism strategy set ambitious national targets to double visitor spending by 2020 to \$140 billion.

By 2012, Sydney City had 20,369 hotel rooms, which was less than the 2001 peak driven by the Olympics. Hotel development was constrained for an extended period by a lack of viability which could not compete with other more profitable land uses.

2013 analysis by the City of Sydney found that a sustainable supply of visitor accommodation is needed to support projected tourism growth. It calculated a need for over 11,000 by 2030.

City of Sydney's Sustainable Sydney 2030 and 2013 Tourism Action Plan established objectives to facilitate development of further visitor accommodation within the council area. Approaches such as this planning proposal deliver on this objective.

The subject site's location to the edge of the Central Sydney and Oxford Street means the hotel will be well-connected by public transport to the tourism generators. Key demand generators for the hotel have been identified as follows:

- The site is ideally located opposite St Vincent's Hospital, which has a strong demand for short term accommodation;
- Surrounding education uses including University of Notre Dame, UNSW Art & Design and University of Tasmania;
- Walking distance to the Sydney Football Stadium, Sydney Cricket Grounds and The Moore Park Entrainment Quarter (current proposal to upgrade facilities which will increase tourism);
- Central Sydney and Bondi.

While the design and star-rating will be confirmed at later stages, the documentation submitted with the proposal provides for a 3-4 star hotel with approximately 102 rooms.

Activate Oxford Street

Woollahra Council is currently working with the Paddington Business Partnership and local businesses to implement projects and ideas that will help promote Oxford Street as one of Sydney's most eclectic and vibrant destinations. For more information on the development of this project please read the Village Well report, Oxford Street, Paddington Roadmap Report.

Oxford Street, Paddington has experienced significant change in the past decade, from one of Australia's leading fashion destinations, to a precinct with high vacancies, poor visitation and poor perceptions of the street by locals and visitors.

Woollahra Council has a dedicated Oxford Street Working Party. It is an advisory body whose purpose is to assist in the revitalisation and reinvention of Oxford Street, Paddington. Its membership presently comprises Woollahra Councillors and is also regularly attended by representatives of the Paddington Business Partnership, the City of Sydney and other stakeholders. It meets on a regular basis, providing valuable input into decisions taken by the Council on Oxford Street related issues. Consideration will be given to broadening its membership, as recommended by Village Well.

The Place Making Road Map Report identified 8 key 'Cold spots' which are locations which currently under-perform and lack whole-of-village vibrancy, though have great potential to contribute to the delivery of the new Oxford Street Vision. The site 1-11 Oxford Street, Paddington was identified as one of these cold spots which had an opportunity to significantly contribute to the vibrancy of Oxford Street.

A key recommendation of the Place Making Road Map Report was to *"Advocate with the Paddington Business Partnership and the City of Sydney to investigate the use of 1-11 Oxford Street, Paddington for temporary or permanent community uses"*.

The proposal would provide the following significant contributions to achieving the intent of the Activate Oxford Street Strategy:

- The economic benefits of tourism and visitors are shared by many businesses, industries and regions. The benefits of visitors and tourists fall across the economy. Every dollar spent on tourism generates an additional 91 cents in other parts of the economy (Tourism 2020). A hotel would result in a significant contribution to revitalising Oxford Street by increasing visitors to nearby shops, food and beverage and entertainment uses; and
- The planning proposal would provide a catalyst to revitalise the site and provide active uses along Oxford Street, which would turn the cold spot to a destination along Oxford Street.

Is the planning proposal consistent with applicable state environmental planning policies?

This Planning Proposal is not inconsistent with the conditions of any State Environmental Planning Policies (SEPP) or deemed SEPPs (formerly Regional Environmental Plans (REP)). The SEPPs and REP which apply to this development are considered in Tables 5 and 6.

Table 5 - Compliance with the relevant SEPPs

SEPP	Consistent	Comment
SEPP No 1 – Development Standards	Yes	This Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP No 55 – Remediation of Land	Yes	There is no proposed change to the site's zoning. This Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP No 64 – Advertising and Signage	Yes	This Planning Proposal does not contradict or hinder the application of this SEPP at the development application stage.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The proposed Concept Design has located the site's loading bay onto South Dowling Street which is a classified Road. The design has been modified based on pre-planning proposal advice from RMS. RMS has given in principle support to the proposal subject to minor design elements that will be incorporated in detailed designs as detailed in the Traffic and Transport Impact Assessment (Appendix I) and email correspondence with Land Use Planner Jana Jegathesan of RMS (Appendix B).
SEPP (Miscellaneous Consent Provisions) 2007	Yes	This Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (State and Regional Development) 2011	Yes	The Concept Plan provided alongside this Planning Proposal would not trigger the application of this SEPP.

Table 6 - The Planning Proposal's compliance with the relevant REPs

REP	Consistent	Comment
SYDNEY REP (Sydney Harbour Catchment) 2005	Yes	The site does not fall within the foreshore area of the SREP. The provisions of the SREP do not apply to the site.

Is the planning proposal consistent with applicable s9.1 Ministerial Directions (formerly s.117)?

This Planning Proposal is not inconsistent with the conditions of any Ministerial Directions under s9.1 of the EP&A Act. The Ministerial Directions which apply to this development are considered in Table 7.

Table 7 - Compliance with the relevant s9.1 Ministerial Directions

Ministerial Directions	Objectives	Consistency
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) Encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	<p>Consistent.</p> <p>The site is located about 950m walk from Kings Cross Station and about 1.1km walk from Museum Station. The site is also serviced by regular bus routes travelling along Oxford Street. The site has good access to public transport and key services. It is suitable for growth in employment and tourism.</p> <p>The proposed changes to the planning controls would allow for the concept development to be approved. The concept development will revitalise the site which has long been underutilised.</p> <p>The site is B2 Local Centre zoned for business use, with no change proposed to this zoning. The site will continue to be used for employment generating uses.</p>
2. ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.</p>	<p>Consistent.</p> <p>The existing building on site is not a heritage item, however, the site is within the Paddington Urban Heritage Conservation Area Heritage Conservation area and is located near a range of heritage items including 'Busby's Bore' which runs below the site. The Heritage Impact Statement prepared by Urbis (Appendix F) concludes that the "preliminary concept design will not detrimentally impact on the significance of the broader Paddington Urban Heritage Conservation Area or vicinity</p>

		<p><i>heritage items. All of the above ground vicinity heritage items will be retained and there will be no physical impact on these items as part of the proposed concept design”.</i></p> <p>Careful consideration has been given to ‘Busby’s Bore’ in developing the indicative concept design. The attached Archaeological Report by AMAC Archaeological (Appendix G) and Report on Desktop Geotechnical Assessment by Douglas Partners (Appendix H) demonstrate that the proposal can be developed in accordance with the report recommendations to ensure the protection of ‘Busby’s Bore’.</p> <p>The proposal will contribute positively to Oxford Street and the Paddington Urban Conservation Area. It has considered conservation and enhancement of existing environmental heritage and is considered appropriate in this regard.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and 	<p>Consistent.</p> <p>The Concept Design for the site is for a mixed-use development including a medical-hotel and various hospitality spaces with no residential components. The indicative concept development will create additional jobs in Paddington both during and after construction. The site is located within an area of significant residential development and is highly accessible via regular bus services along Oxford Street and by train from Kings Cross and Museum train stations.</p> <p>The concept development includes an internal loading bay to assist in the efficient movement of freight and to minimise impacts to traffic.</p> <p>The Transport Impact Assessment Report by TTPP (Appendix I) found the proposal to be</p>

	<p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	acceptable on transport from a transport perspective.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	<p>Consistent.</p> <p>A Report on Desktop Geotechnical Assessment has been prepared by Douglas Partners to accompany this Planning Proposal (Appendix H). The Geotechnical Report notes that the site is not located “within or close to an area of acid sulphate soils risk”.</p>
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>Consistent.</p> <p>This Planning Proposal will require the concurrence of RMS as it is located at the intersection of two classified roads being, Oxford Street and South Dowling Street and provides a loading bay along South Dowling Street which is a classified road.</p> <p>Pre-planning proposal consultation was carried out with RMS (Appendix B) where RMS stated their in-principal support for the proposal subject to minor design considerations that will be incorporated in the detailed design at the development application stage.</p>
6.2 Reserving Land for Public Purposes	<p>The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Consistent.</p> <p>This Planning proposal does not relate to land reserved for public purposes.</p>

6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	Consistent. The proposed land uses are permitted with consent in the existing B2 Local Centre zone. The proposal will not result in unnecessarily restrictive site-specific planning controls.
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	Consistent. The proposal is consistent with the Greater Sydney Region Plan as demonstrated in Table 2.

Section C – Environmental, social and economic impact

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

The site of the Planning Proposal is within the Sydney CBD and is currently occupied by a 3 Storey Building. There is unlikely to be any adverse impact to a critical habitat or threatened species, populations or ecological communities, or their habitats as a result of the proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Overshadowing and privacy

The proposed concept has been carefully designed in order to minimise shadow, noise and privacy impacts on nearby residential development including the terraces to the south of the development at Marshall Street and Rose Terrace. The indicative concept design maintains the slope of the existing roof and sets the bulk of development towards the northern end of the site to effectively minimise shadow impacts (Figure 21). The placement of a courtyard on the site's southern boundary with Marshall Street allows the concept development to access natural light and air while allowing a solid wall to the boundary ensuring total visual separation and mitigating noise and privacy impacts. The roof terrace venue to face wholly towards Oxford Street and will not have any significant privacy impacts due to its location, orientation and the commercial nature of Oxford Street (figures 25 & 26).

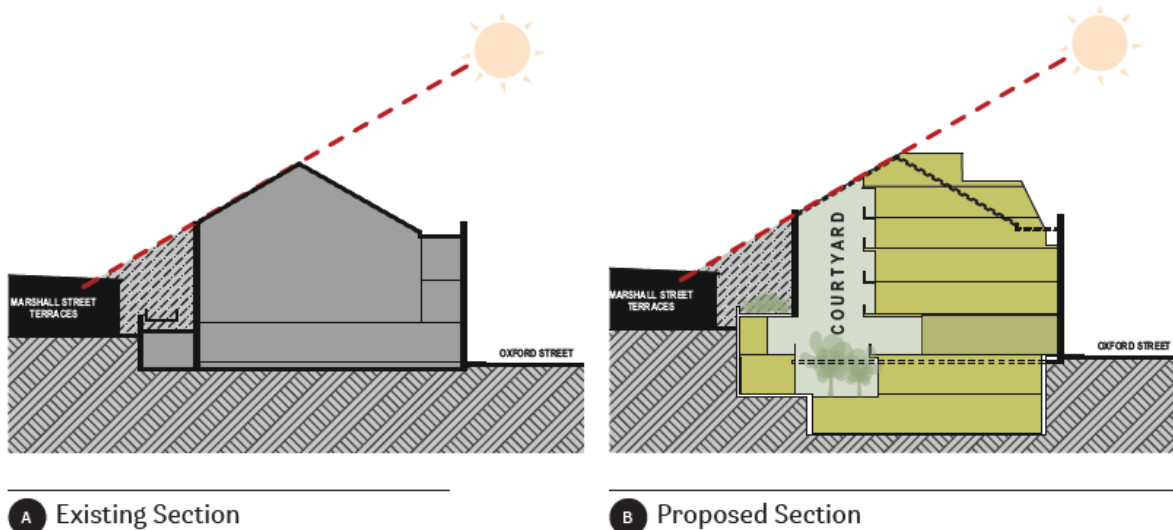


Figure 21 - All options in the Context Analysis Report preserve the southern roof line



Figure 22 - Shadow impact on 21 June 9am - 12pm

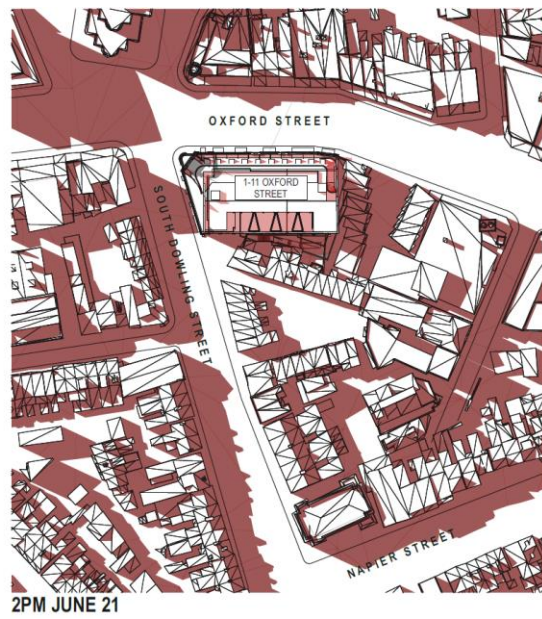


Figure 23 - Shadow impact on 21 June 1pm - 3pm

The figures above show that the shadowing impacts from the proposed building is negligible and complies with Council's policy.

Urban Design

An Urban Contextual Analysis has been prepared by TZG Architects and is attached to this Planning Proposal Justification as Appendix E.

This analysis has been prepared to understand the relationship of the proposed adaptive re-use and redevelopment of the previous Picture Hall. This report considers both the immediate setting of the site in the Paddington Context, as well as the wider setting being the surrounding context of Oxford Street. The existing building is a contributory building within the Paddington Urban Conservation Area (C50) and located in the vicinity of a number of heritage items.

The analysis considers 7 possible built forms for the proposed building capable of achieving a viable mixed use development. The impact of these are analysed for each of the selected immediate context views.

The criteria considered for each option is set out as below:

- Impact of scale and height of proposal within context of the Oxford Street;
- Impact of scale and height of proposal within context of Paddington Urban Heritage Conservation Area;
- Impact of the built form on neighbouring amenity in particular Rose Terrace and Oxford Street Terrace; and
- Impact of scale and height of proposal on existing built form as a contributory building.

Based on the results of the analysis and feedback from Council, the indicative concept design has been created in accordance with Option 4 which includes two additional storeys and a roof terrace and is compatible with the development objectives. Option 4 provides a more recessive contemporary addition which will have a lower visual impact when viewed from the adjoining heritage conservation area and heritage buildings. Options 1 – 3a are larger than Option 4 and would have presented a more prominent and contemporary addition to the Oxford Street streetscape. These envelopes are in keeping with the sites its corner position amongst several prominent gateway sites with larger existing building forms. Council has expressed a preference for Option 4 emphasising the importance of responding to the surrounding heritage conservation area.

The proposed indicative concept design will emphasise the existing building's form with the visual impact of the vertical addition being minimised behind the existing parapet. Figures 24-27 provide perspective of the height and scale of option 4 and its visual impact from the surrounding streets.

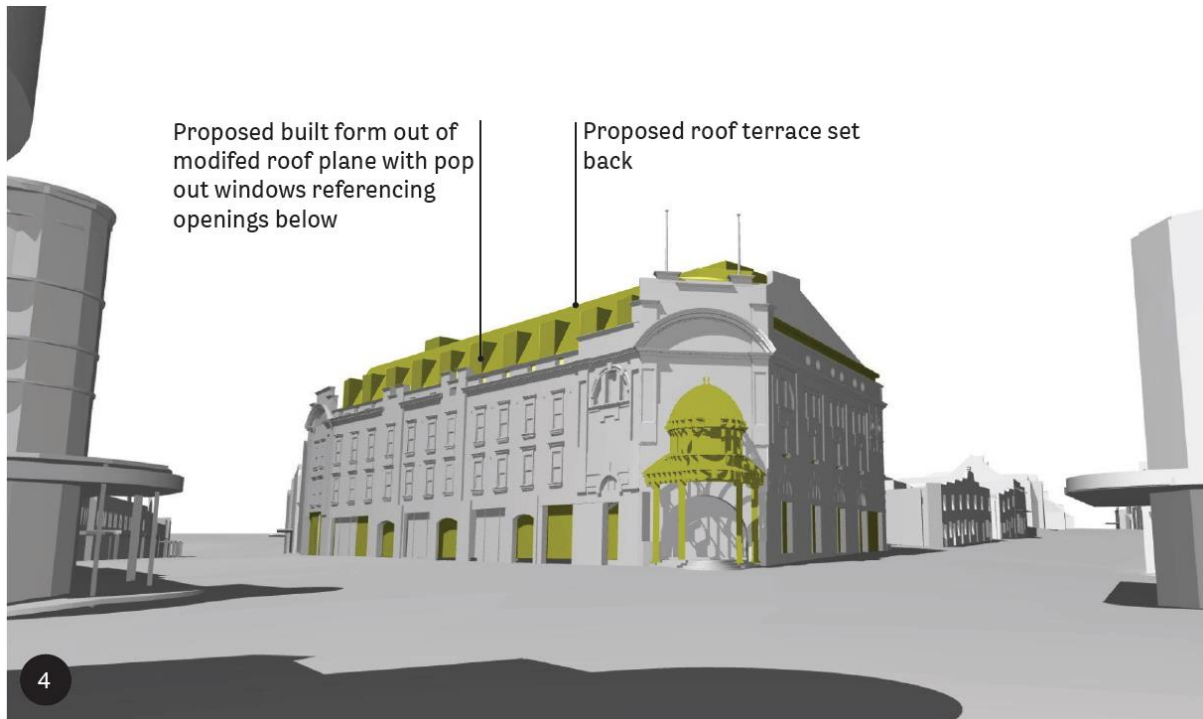


Figure 24 - Proposal viewed looking south from Oxford Street (Contextual Analysis)



Figure 25 - Proposal viewed looking west from Oxford Street (Contextual Analysis)



Figure 26 - Proposal viewed looking north from South Dowling Street (Contextual Analysis)

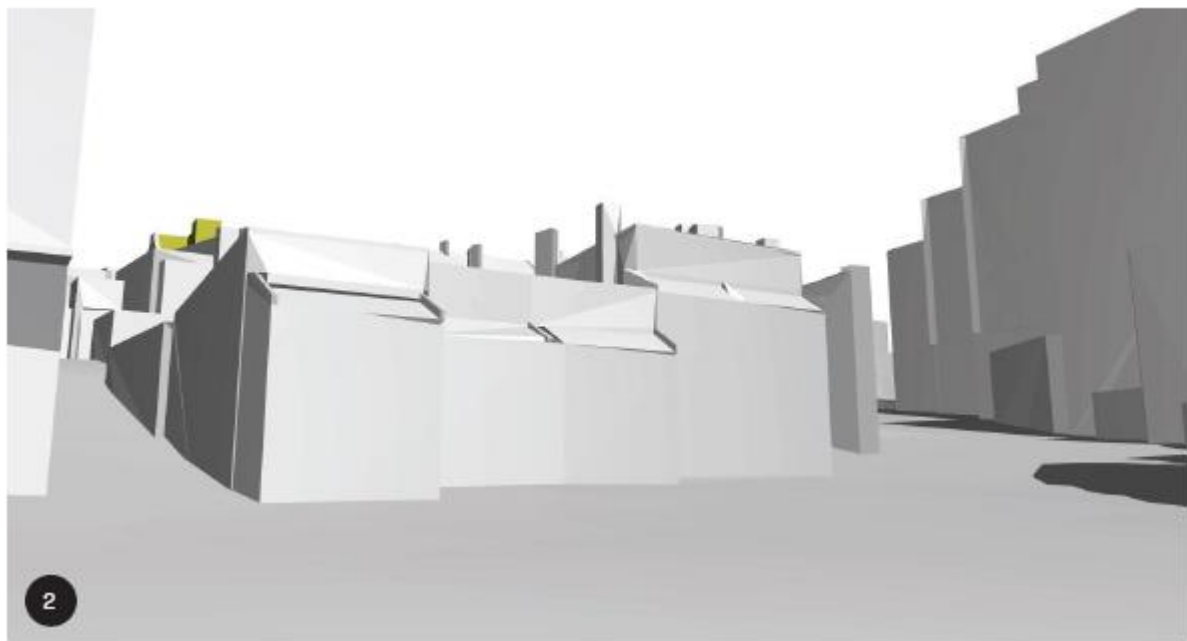


Figure 27 - Proposal viewed looking south from Boundary Street (Contextual Analysis)

Acoustic impacts

An Acoustic Impact Statement has been prepared by Acoustic Logic and is attached to this Planning Proposal Justification as Appendix J.

The report found high levels of existing background noise in the area during the day and evenings primarily due to traffic along Oxford Street. Low levels of background noise were identified at night. Having considered the potential acoustic impact of the indicative concept design on surrounding commercial and residential development, the report makes minor recommendations which can be implemented in the detailed design phase and Plans of Management to ensure compliance.

Landscape and tree removal

A Landscape Plan has been prepared by Tonkin Zulaikha Greer and is attached to this Planning Proposal Justification report as Appendix L. The Landscape Plan proposes the removal of a single Acerifolia street tree on South Dowling Street and the planting of four new Acerifolia street trees along Oxford Street.

The removal of the Acerifolia street tree on South Dowling Street is proposed in order to allow access to the proposed truck lift and loading bay. As discussed in the Transport Impact Assessment Report (Appendix I) (discussed below) the loading bay in the concept design has been located in accordance with the recommendations of RMS. The removal of the acerifolia street tree is discussed in detail within the Arboricultural Impact Assessment Report (discussed below).

Oxford Street presently suffers from a lack of greenery and vegetation relying entirely on awnings and buildings for shade and shelter. The proposed additional four acerifolia street trees along Oxford Street would create a sense of visual interest on the street and provide a softer appearance to that section of the public domain.

Within the courtyard is a vegetated slope with garden stairs, mass planting and trees is proposed. At the base of the slope is a water feature which is an interpretation of Busby's Bore which runs beneath the site.

An Arboricultural Impact Assessment Report has been prepared by Earthscape Horticultural Services and is attached to this Planning Proposal Justification report as Appendix M.

The report finds the three trees will need to be removed in order to realise the concept design. Two of these trees are located within the site with one being identified as being of "very low retention value" and the other of "moderate retention value" but which is not considered significant.

The third tree to be removed is located in the road reserve along South Dowling Street and is of "moderate retention value". The removal of this tree is necessary for loading bay access to the site.

The report recommends replacement planting within the site which is considered in the Landscape Plan (discussed above). The Landscape Plan proposes tree planting in the internal courtyard and the planting of 4 trees along Oxford Street.

Transport and traffic

A Transport Impact Assessment has been prepared by The Transport Planning Partnership (TTPP) and is attached to this Planning Proposal Justification as Appendix I.

The Transport Impact Assessment identifies that the site's two frontages to Oxford and South Dowling Streets are both state roads under the control of RMS. The Oxford Street frontage contains a bus lane in operation between 6am-10am with no stopping allowed outside of these times. The proposed development does not provide any car parking but provides loading bay access for small rigid vehicles of up to 6m from South Dowling Street via a truck lift and turntable.

The site's provision of no parking spaces is assessed and found to be appropriate due to the availability of public transport in the area. It is noted as being compliant with the Sydney LEP 2012 maximum parking rates and Council's transport objectives.

In considering the proposed loading bay location, TTPP made contact with the RMS Land use Planning Division who stated that they had no objection in principle to the proposed driveway but stated that design should restrict vehicles to left-in left-out. The RMS correspondence is attached to this Planning Proposal Justification report as Appendix B. A vehicle swept path analysis carried out by TTPP indicate that the loading bay can meet the requirements of RMS for left-in left-out. TTPP further states that:

“The provision of an on site loading facility is considered to be a significant improvement to existing conditions where all servicing is undertaken via on-street parking and loading zones”

The existing entertainment uses on the site indicate that set-down and pick-up occurs predominantly at the Oxford Street frontage and to a lesser degree on South Dowling Street. Along Oxford Street is a “no stopping zone”, however, in the CBD taxis are permitted to stop in these zones for set-down and pick-up, but not to idle. This is likely to continue. Notwithstanding this, a “No Stopping – Taxis Exempt 1 minute limit zone” is located within 50m of the site at 17 Oxford Street. A transport plan of management could encourage guests to use this conveniently located zone.

Due to the site’s constraints, it is not possible to provide coach parking on-site. Due to the nature of the proposed uses, the need for coach parking is expected to be low. Where required, there are existing coach parking spaces in the vicinity of the site which can be utilised.

TTPP concludes that the proposal is acceptable from a transport perspective and makes minor recommendations that can be addressed in the detailed design phase or by Plan of Management.

Heritage Significance

The site is not heritage listed but is located within the Paddington Urban Heritage Conservation Area (C50). It is located near to and above several heritage items.

Item	Location	Significance
SHR00568 ‘Busby’s Bore’	Runs under the site	<i>“‘Busby’s Bore’, as a most important public work between 1827 and 1837 and Sydney’s main water supply between 1837 and 1852, is a physical remnant of many of the major processes which have shaped modern Sydney.”</i> – Office of Environment and Heritage
I1103	2–20 Rose Terrace	Terrace group including interiors.
I1105	260–262 South Dowling Street	Terrace group including interiors.
I416 ‘Beauchamp Hotel’	265–267 Oxford Street	Beauchamp Hotel including interior.

A Heritage Impact Statement has been prepared by Urbis and is attached to this Planning Proposal Justification as Appendix F. The report was prepared to assess the potential heritage impacts of the indicative concept design on the Paddington Heritage Conservation Area and surrounding heritage items, including 'Busby's Bore'.

The existing building is identified as being a "three-storey federation former 'picture hall' designed in the Federation Free Style". Urbis considers the significance of the building against the Heritage Council of NSW's criteria for assessing heritage significance. Urbis finds that the building does not meet the criteria for individual heritage listing and that the building has been heavily modified and has a low level of intactness and integrity. Nonetheless, the building is found to make an aesthetic and historical contribution to the Paddington Heritage Conservation Area.

In discussing the possibility of adaptive reuse of the site the Heritage Impact Assessment notes that significant amounts of demolition are required in order to achieve the concept design. A large proportion of the internal fabric of the building is not considered to be of heritage significance. The retention and restoration of the existing façade will ensure that the building's contributory status to the Paddington Heritage Conservation Area is maintained. The Impact Assessment concludes the discussion of the potential for adaptive reuse stating that:

"Overall, the Amended Planning Proposal, and the intended future built outcome that it would facilitate, provide for the adaptation of an obsolete former cinema/theatre building, and provision of a new use to activate the building and this portion of Oxford Street.

The retention and integration of the existing building façade and internal stair as shown in the preliminary concept plan accompanying this Amended Planning Proposal, will enable the history and significance of this former cinema/theatre building to be understood and interpreted within the streetscape of Oxford Street."

The Heritage Impact Assessment ultimately concludes in part that:

""

"It is proposed the form, scale and features will be retained as a prominent corner-fronting building with Federation Free Classical style façades. The Amended Planning Proposal documents a two-storey addition set back from the original facades. This approach will increase the height and scale of the existing building. However, the setback and proposed roof pitch will ensure the additions are recessive and reduces the visibility for the public domain. The proposed increase in scale to the subject building on the Oxford and South Dowling Streets corner is considered acceptable from a heritage perspective because the existing mix of built form corresponds with the scale of the University of Notre Dame Medical School located diagonally opposite the subject site."

And:

"All of the heritage items in the vicinity would be retained if the intended future built outcome of this Amended Planning Proposal was to be pursued, and there would be no physical impact on these items. Important views to and from these above ground vicinity heritage items would be retained and would not be obscured by the intended future built outcome.

Overall, the Amended Planning Proposal and the intended future built outcome, provide for the adaptation of an underutilised former cinema/theatre building. It would provide a reuse that would activate the building and this section of Oxford Street whilst respecting the contributory item within the Paddington Urban Heritage Conservation Area, the heritage items in close proximity and the adjoining heritage conservation areas.

The retention of the existing building façade and internal stair as identified in the Amended Planning Proposal, will enable the history of this former cinema/theatre building to be understood and interpreted within the streetscape of Oxford Street.”

The proposal’s retention and restoration of the existing façade and historical corner lantern, internal stair and interpretation of the historical cinema use will contribute to the site’s position as a contributory building with the Paddington Urban Heritage Conservation Area. The proposed vertical addition has been designed to be recessive in order to highlight the existing façade and minimise the associated visual impact of the addition from the heritage conservation area. The impacts on the surrounding above ground heritage items have been mitigated through massing that minimises amenity and privacy impacts as demonstrated in the Urban Context Analysis. The potential impacts on Busby’s Bore are considered in greater detail in the Archaeological Report by AMAC Archaeological and the Report on Desktop Geotechnical Assessment by Douglas Partners which are discussed below.

Archaeological significance

An Archaeological Report has been prepared by Archaeological Management & Consulting Group (AMAC) and is attached to this Planning Proposal Justification as Appendix G. The report considers the site in the broader context of the area including the Paddington and Sydney Commons along with the site’s specific history from its beginning as Brooks’ Estate and then its subsequent occupations. The report also takes close consideration of Busby’s Bore which runs below the site. Having considered the site’s history the Report describes its significance as:

- *“Evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar is potentially State significant.*
- *The 1827-1837 Busby’s Bore and its associated remains is considered State significant.*
- *Archaeological remains for the mid-late 19th century use of the site is considered locally significant.”*

In response to the identified areas of archaeological significance the Report recommends:

“The proposed redevelopment of the site includes extending the current building with two new basement levels. Such works are likely to impact a range of relics that are protected under the Heritage Act 1977 and have been assessed by this baseline as significant at a State and local level.

As a result, this Baseline Archaeological Assessment will need to be supplemented with a Research Design and Excavation Methodology to guide the works and form part of a Section 140 Excavation Permit Application with the Heritage Council.

A Research Design and Excavation Methodology would outline an archaeological program to manage relics on site. This program would mitigate the potential heritage impacts posed by the development and result in a positive heritage outcome.

As the proposed works are in close vicinity to and may impact Busby's Bore or encroach its State Heritage Register defined curtilage, early liaison with the Heritage Council is recommended prior to any applications.

Any encroachments on Busby's Bore SHR curtilage will also require a Section 60 Permit Application with the Heritage Council."

The recommendations of the Archaeological Report do not preclude the concept design and will be addressed in full during the development application stage.

Geotechnical

A Report on Desktop Geotechnical Assessment has been prepared by Douglas Partners and is attached to this Planning Proposal Justification as Appendix H. The Geotechnical Report presents the results of a desktop study which was conducted in April 2018 that considers the results of mapping and of previous geotechnical investigations conducted on nearby sites.

The Report considers the findings of AMAC (discussed above) in relation to Busby's Bore finding that:

"On the basis of DP's and AMAC's research, it is apparent that the proposed development will lie wholly outside of the anticipated Busby's Bore curtilage. Development of the site, however, will require careful consideration in regards to the actual location of the bore to ensure that the works are kept wholly outside of the curtilage zone and that there are no adverse effects on the bore as a result of development.

Given the relatively close proximity of the proposed basement to the anticipated location of the bore, it is likely that Sydney Water will raise concerns with proposed excavation work over the bore. Accordingly, it is likely that specific investigations will be necessary to determine the bore's actual location and depth. The investigations will be required before the effects of the proposed development on the bore can be determined, however preliminary considerations suggest there is unlikely to be any significant effect if the bore is located where it is currently indicated.

Subject to the actual location and depth of Busby's Bore and the proposed basement geometry, Sydney Water may also require detailed geotechnical modelling to demonstrate that the effects of the development are not significant."

After consideration of the relevant aspects of the proposal, Douglas Partners recommend further investigation be undertaken prior to development:

"Further geotechnical investigation will be required to assess the bedrock over the full depth of proposed excavation in order to confirm the excavation and founding conditions and the adequacy of the preliminary advice presented herein. This should include at least four cored boreholes to around 5 m below the proposed founding level, or the underside of Busby's Bore on the south western side of the site.

In addition, test pits should be undertaken adjacent to the existing footings to determine their construction type and founding depth, as well as the geotechnical conditions of the foundations on which they rest. It is likely that the structural engineering consultant will also require details of the thickness of the walls, so that an assessment of the current and proposed loads acting on the existing footings can be undertaken. It is suggested that as many as six to ten test pits will be required to adequately cover the range of different footing and wall types and founding levels across the site, particularly given the differing existing lowest floor levels.

It is suggested that the investigation scope be prepared in conjunction with the structural engineering consultant and that the investigation is undertaken in advance of the preliminary structural design. Investigation methods will need to use tight access drill rigs and mini-excavators and may require localised internal demolition of the structure to allow access to the desired test locations.”

The recommendations of the Report on Desktop Geotechnical Assessment do not preclude the concept design and will be addressed in full during the development application stage.

Sustainability

Target benchmarks for sustainability of the hotel development are established in the proposed amendments to the Sydney DCP 2012. These include achieving certification for a 5-star or higher Green Star for the design, and at least 5-stars NABERS energy and water accreditation after construction.

The site-specific DCP includes provisions for the development to specify design measures and targets for energy, water and waste. Combined with the positive sustainability benefit from reusing the existing building at 1-11 Oxford Street, Surry Hills and its embodied energy, these are considered reasonable sustainability standards.

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

The Planning Proposal will have a positive social and economic effect on the surrounding area. It has the potential to support the redevelopment and revitalisation of an under-utilised site that is ideally situated for facilities working in collaboration with SVPHS. High quality, purpose-built accommodation for hospital patients and their families along with state-of-the-art medical education and training facilities can be realised under the proposed medical-hotel.

The medical-hotel use alongside the ancillary functions of the proposal will provide opportunities for ongoing employment in the hospitality, medical and education industries. In addition to the employment created once constructed, the construction of the building will positively impact the construction industry. The activation of the site through multiple mixed uses will encourage activity along Oxford Street and contribute positively to the local economy.

The development will have a positive social effect on its neighbourhood. Retaining and restoring the existing façade will preserve and enhance the site's contribution to the Paddington Urban Heritage Conservation Area. Providing an active frontage to Oxford Street with multiple entrance foyers

creates a fine grain appearance will contribute positively to the public domain. The mixed uses of the development will ensure its use both day and night contributing to increased street activity and surveillance, enhancing security.

Section D – State and Commonwealth interest

Is there adequate public infrastructure for the planning proposal?

The site is located on Oxford Street within the Sydney CBD. The site is well serviced by a range of infrastructure including ready access to public transport, hospitals, libraries and public open space. The site is already serviced by existing public utilities including reticulated water, sewer and stormwater, electricity and telecommunications. There is adequate public infrastructure to support the planning proposal.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The appropriate consultation will be conducted once a gateway determination is issued.

This will include consultation with RMS regarding the intended loading bay located on South Dowling Street which is a Classified Road. In Pre-Planning Proposal correspondence (Appendix B), RMS has given in principle support for the project subject to minor design guidance that will be implemented in the development application stage.

Consultation will be conducted with the Office of Environment and Heritage in regards to works relating to Busby's Bore.

Consultation with Sydney Water will be sought in the development application stage with regards to excavation works and management of Busby's Bore.

Part 4 Mapping

No changes are proposed to the maps within the Sydney LEP 2012.

Part 5 – Community Consultation

If this Planning Proposal is supported by the City of Sydney, the City will prepare a draft Planning Proposal and draft Development Control Plan for consideration by Council and the Central Sydney Planning Commission (CSPC). If the Planning Proposal is endorsed by Council and the CSPC for public exhibition, the proposal will be referred to the Minister for Planning for Gateway Determination. If Gateway is issued the draft Planning Proposal and DCP amendments will be placed on public exhibition, generally for a minimum period of 28 days.

Part 6 – Project Timeline

The following project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to SLEP 2012 and SDCP 2012 will be completed by April 2020.

Table 8 - Anticipated project timeline

Stage	Timing
Endorsement by the City of Sydney and CSPC	August 2019
Submit planning proposal to Department of Planning and Environment seeking a Gateway Determination	August 2019
Receive Gateway Determination	October 2019
Public exhibition and public authority consultation of planning proposal and DCP Amendment	November 2019
Review of submissions received during public exhibition and public authority consultation	December 2019 to February 2020
Council and Central Sydney Planning Committee approval of planning proposal and DCP Amendment	February 2020
Drafting of instrument and finalisation of mapping	March 2020
Amendment to Sydney Local Environmental Plan 2012 legally drafted and made	April 2020

Appendices

Appendix A – Indicative Concept Design

Appendix B – Correspondence with RMS

Appendix C – Proposed Amendments to the Sydney DCP 2012

Appendix D – St Vincent’s Private Hospital Letter to City of Sydney

Appendix E – Urban Context Analysis

Appendix F – Heritage Impact Statement

Appendix G – Archaeological Assessment

Appendix H – Report on Desktop Geotechnical Assessment

Appendix I – Transport Impact Assessment Report

Appendix J – Acoustic Assessment

Appendix K – Survey Plans & As Built Survey

Appendix L – Landscape Plan

Appendix M – Arboricultural Impact Assessment Report

Appendix N – Structural Report

Appendix O - CGI