



IRF25/2704

## Gateway determination report – PP-2025-550

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150 Day Street, Sydney

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# Acknowledgment of Country

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

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                           |
|------------------------------------------------------|
| Planning Proposal (City of Sydney)                   |
| Planning Proposal Justification Report               |
| Draft Sydney Development Control Plan 2012           |
| Resolution of Central Sydney Planning Committee      |
| Resolution of Council                                |
| Revised Public Benefit Offer                         |
| Attachment A – Survey Drawings                       |
| Attachment B – Urban Design Report                   |
| Attachment C - Building Envelopes                    |
| Attachment D – Economic Impact Assessment            |
| Attachment E – Connecting with Country               |
| Attachment F – Structural Engineering Report         |
| Attachment G – Qualitative Wind Assessment           |
| Attachment H – Flood Impact and Risk Assessment      |
| Attachment I – Operational Waste Management Report   |
| Attachment J – Traffic Impact Assessment             |
| Attachment K – Ecologically Sustainable Design       |
| Attachment L – View Impact Assessment                |
| Attachment M – Statement of Heritage Impact          |
| Attachment N – Air Quality                           |
| Attachment O – Noise Impact Assessment               |
| Attachment P – Social and Community Needs Assessment |
| Attachment Q – Infrastructure Report                 |
| Attachment R – Preliminary Site Investigation Report |
| Attachment S – Desktop Geotechnical Report           |

### Relevant reports and plans

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Attachment T – Report on Footing Investigation

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Attachment U – Preliminary Civil Engineering Report

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Attachment V – Existing Building Services Condition Report

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Attachment W – BCA Capability Statement

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Attachment X – Public Art Plan

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# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |                                                                                                       |
|---------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>LGA</b>                      | <b>Sydney</b>                                                                                         |
| <b>PPA</b>                      | City of Sydney                                                                                        |
| <b>NUMBER</b>                   | PP-2025-550                                                                                           |
| <b>LEP TO BE AMENDED</b>        | Sydney Local Environmental Plan 2012 (Sydney LEP 2012)                                                |
| <b>ADDRESS</b>                  | 150 Day Street, Sydney                                                                                |
| <b>DESCRIPTION</b>              | Lot 20 DP 1046870                                                                                     |
| <b>RECEIVED</b>                 | 25/09/2025                                                                                            |
| <b>FILE NO.</b>                 | IRF25/2704                                                                                            |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The planning proposal seeks to amend the Sydney LEP 2012 to enable an increased floor space ratio and increased maximum building height for development at 150 Day Street that is not used for the purpose of residential or serviced apartments. The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Enable the redevelopment of 150 Day Street Sydney
- Deliver a total of 30,617 square metres of tourist and visitor accommodation in Central Sydney
- Promote the adaptive reuse of the existing structure, where the primary structure and floors are substantially retained, representing significant embodied carbon and achieving environmental performance targets above and beyond City of Sydney targets and controls
- Deliver a built form capable of achieving design excellence
- Deliver a built form which protects and enhances the amenity of the public domain by preventing additional overshadowing to key spaces and providing a comfortable and safe wind environment at the ground level

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

To achieve the objectives, the planning proposal seeks to amend the Sydney LEP 2012 to insert a new site-specific clause under Part 6, Division 5 to:

- Permit a maximum building height of RL87.7m (approximately 85m)
- Permit a maximum floor space ratio of 13.5:1, inclusive of:
  - The mapped floor space ratio (in accordance with clause 4.4)
  - Accommodation floor space (clause 6.4)
  - End of journey floor space (clause 6.6)
  - Additional floor space of up to 10% if the building demonstrates design excellence (under clause 6.21D(3)(b))
- Prevent development consent being granted under this clause unless the consent authority is satisfied that the resulting building would:
  - Feature substantial retention of the existing structure, including columns, beams and slabs
  - Cause no additional overshadowing of Sydney Town Hall Steps, Sydney Square and future Town Hall Square (in accordance with section 6.18 of Sydney LEP)
  - Not be used for the purpose of residential or serviced apartments
- Specify that clause 6.21D(3)(a) should not apply to these site-specific controls, no additional building height should be available to exceed the maximum set at RL87.7 metres

The planning proposal notes that these controls should not prevent alternative development on the site from taking place under the existing controls.

The site is zoned SP5 Metropolitan Centre. No land use zoning change is sought.

No mapping amendments to the Sydney LEP 2012 are proposed.

**Table 3 Current and proposed controls**

| Control                        | Current | Proposed |
|--------------------------------|---------|----------|
| Maximum height of the building | 45m     | RL 87.7m |
| Floor space ratio              | 9.9:1   | 13.5:1   |

The planning proposal notes that amendments are proposed to the Sydney Development Control Plan 2012 to provide site specific provisions to ensure the objectives and intended outcomes of the proposal are achieved. The draft DCP includes controls relating to the built form, sustainability targets, landscaping, vehicle access, servicing and waste management and design excellence.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. Draft provisions will be refined through the drafting process.

## 1.4 Site description and surrounding area

The site is in Central Sydney on the eastern boundary of the Darling Harbour precinct. The site has street frontages to Day Street to the west (72 metres), Sands Street to the east (59 metres), Bathurst Street to the south (17 metres) and the Western Distributor and Cross City Tunnel to the

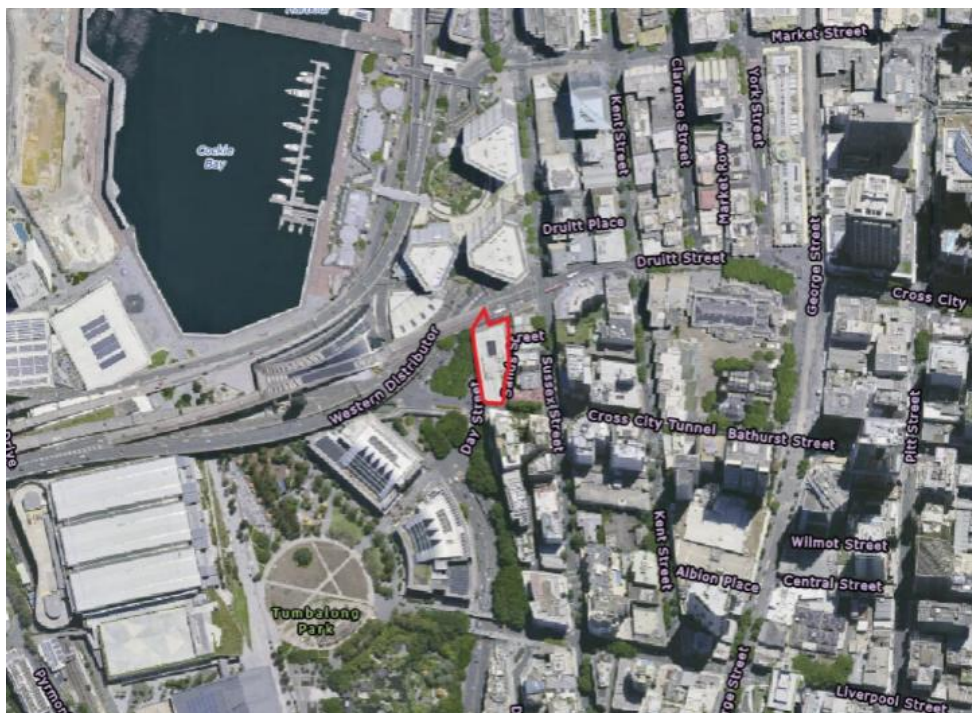
north (59 metres). The site is irregular in shape and relatively level with a gentle fall from southeast to northwest.

The site consists of one allotment with an area of 2,279sqm. Development on the site comprises an 11-storey hotel building occupied by the PARKROYAL Darling Harbour that contains 336 hotel rooms with supporting amenities including a ground floor hospitality venue at the corner of Day and Bathurst Street. The development also contains two levels of basement carparking accessible from Day Street and a loading dock accessible from Sands Street. The hotel entrance is located on Day Street.

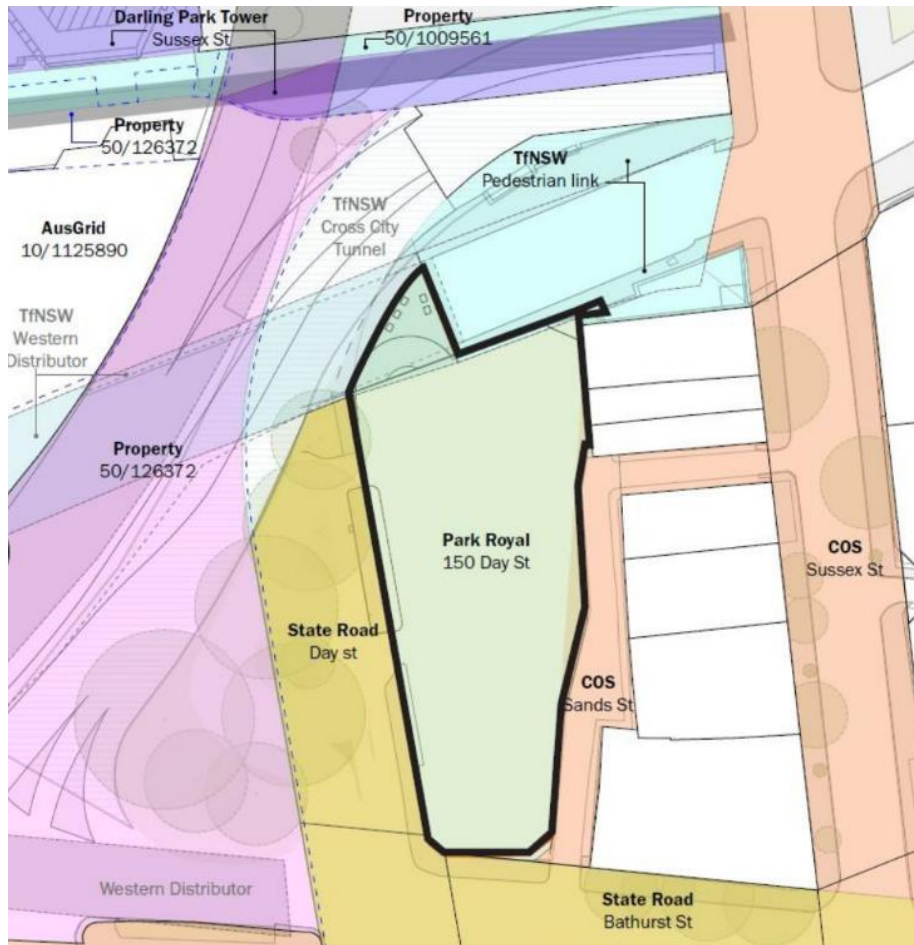
Surrounding development consists of a mixture of residential and commercial uses, and transport infrastructure. Across Day Street to the west is a vehicle turning circle and area of landscaping associated with the exit to the Cross City Tunnel. To the south across Bathurst Street is a 20-storey residential building. To the east across Sands Street are a series of buildings including 12 and 13 storey residential buildings and a 3-storey heritage listed former warehouse. To the north-east directly adjoining the site is a series of one and two storey commercial terraces and a substation owned by Transport for NSW. To the north is an onramp connecting Druiitt Street to the Western Distributor, a tunnel exit from the Cross City Tunnel intersecting with Bathurst and Harbour Streets and a pedestrian connection underneath the Western Distributor on ramp connecting Day Street with Sussex and Druiitt Streets.

The site is located approximately 300m west of Town Hall Rail Station with intercity, suburban, light rail and bus connections. Key public open spaces nearby include Tumbalong Park and the Chinese Garden of Friendship 250m to the southwest. Key tourist infrastructure including the International Convention Centre, Sydney Aquarium and the Maritime Museum are in the adjacent Darling Harbour Precinct.

The site is surrounded by a series of complicated overlapping land titles associated with the Darling Harbour Precinct, Cross City Tunnel, and Western Distributor. The site includes a triangular portion in the northwest corner which forms a publicly accessible pedestrian route passing under the Western Distributor on ramp. An aerial photo of the site and surrounding area is included in **Figure 1**. Current land ownership arrangements are illustrated in **Figure 2**. Images of the site are at **Figures 3-6**.



**Figure 1 Subject site (source: Planning proposal 2025)**



**Figure 2 150 Day Street and surrounding land ownership arrangements (source: Planning proposal)**



**Figure 3 150 Day Street frontage, looking east (source: Planning proposal)**



**Figure 4 150 Day Street, looking north at Day and Bathurst Street Frontages (source: Planning proposal)**



**Figure 5 150 Day Street loading sock on Sands Street (source: Planning proposal)**



**Figure 6 Pedestrian route underneath Western Distributor – site boundary in red (source: Planning Proposal)**

## 2 Need for the planning proposal

**Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?**

No, the planning proposal is the result of a request made by landowner UOL Group Limited to change the current planning controls.

The landowner has provided a Planning Proposal Justification report which is supported by numerous technical studies and an Urban Design Report (included in **Attachments A-X**). The package demonstrates how the proposal is consistent with relevant strategies and outlines the site's capability in growing employment generating floor space through increased height and FSR, without unacceptable impacts on the public domain and amenity.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The intended outcomes of the planning proposal cannot be delivered under the current planning framework. A planning proposal is required to amend the Sydney LEP 2012.

The planning proposal seeks to insert a new site-specific provision into the LEP to enable 30,617 square metres of tourist and visitor accommodation floor space. This is approximately 8,000 square metres more than what is permissible under the current FSR controls of the Sydney LEP 2012. By inserting a site-specific clause, the amended controls will allow for additional employment generating floor space consistent with the objectives of the Local Strategic Planning Statement and the Central Sydney Planning Strategy. An alternate approach would be to amend the height and FSR maps, however this would allow for development that may not be consistent with the aforementioned strategies.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) was prepared by the Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed below in section 3.3 of this report.

### 3.2 Draft Region Plan

The draft Sydney Plan was released on 10 December 2025 and is currently on public exhibition. Once adopted, *The Sydney Plan* is intended to supersede the existing *Greater Sydney Region Plan – A Metropolis of Three Cities*, as the guiding strategic document which sets out how the NSW Government will address growth in Sydney over the next 20 years. The draft Sydney Plan provides an understanding of how state and local government can leverage land use planning to address challenges and optimise opportunities in the region.

The draft Plan notes Central Sydney's continued role in visitor and tourist accommodation and commercial office development. It also establishes twelve key responses to achieve the overarching purpose of The Sydney Plan. Each of these responses comprise of a series of actions. Matters relevant to this proposal include:

- Working harbour supports variety of economic functions including tourism, transport, light industrial and defence.

Response 4: Grow well-located jobs

Action 4.1 Finalise the centres policy including guidance on mixed-use or residential zoned land in and around a commercial core, timing 2025-26.

It is recommended that the proposal be updated to reflect the centres policy if finalised prior to notification.

### 3.3 District Plan

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

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act. **Table 4** assesses the planning proposal against relevant directions and actions of the District Plan.

**Table 4 District Plan assessment**

| District Plan Priorities                                                                           | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Creating a stronger and more competitive Harbour CBD (Planning Priority E7)                        | The site is in the core of the Harbour CBD. The planning proposal will facilitate additional tourist and visitor accommodation floor space to support the strong cultural, arts and entertainment focus of the area, a vibrant and diverse nighttime economy and a competitive commercial sector. It is noted that the proposed LEP provisions would also permit commercial development, providing new commercial floorspace would facilitate the jobs target for the Harbour CBD. |
| Delivering integrated land use and transport planning and a 30-minute city (Planning Priority E10) | The planning proposal allows for development of the site for tourist and visitor accommodation. The site is well located for access to the metropolitan transport network, including heavy and light rail, metro and bus connections, cycleways and within walking distance of the Harbor CBDs commercial, cultural and entertainment precincts. The site is similarly well located for commercial development should this occur instead.                                          |
| Growing investment, business opportunities and jobs in strategic centres (Planning Priority E11)   | The site is within the metropolitan centre of the Eastern City District (Harbour CBD). The planning proposal will facilitate redevelopment to provide additional tourist and visitor accommodation (or potentially commercial development), supporting employment growth in a highly accessible location.                                                                                                                                                                          |
| Supporting growth of targeted industry sectors (Planning Priority E13)                             | The planning proposal facilitates additional tourist and visitor accommodation within walking distance to commercial, cultural and entertainment precincts, including the adjacent Darling Harbour Precinct. This proximity supports initiatives to attract more visitors and improve experiences at key tourist attractions.                                                                                                                                                      |
| Reducing carbon emissions and managing energy, water and waste (Planning Priority E19)             | The planning proposal includes aspirational objectives of achieving net zero emissions through embodied carbon savings through the requirement for elements of building retention, 5-star Green Star Building and 4.5-star NABERS Energy ratings targets.                                                                                                                                                                                                                          |

## 3.4 Local

The proposal states that it is consistent with the following local plans and endorsed strategies including strategic directions and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

| Local Strategies                                     | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Strategic Planning Statement<br>City Plan 2036 | <p>Council's planning proposal states that it gives effect to the City Plan 2036 through the following:</p> <ul style="list-style-type: none"> <li>• Priority I1 Movement for walkable neighbourhoods and a connected city and Priority I2 Align development and growth with supporting infrastructure: The proposal facilitates new tourist and visitor accommodation that is well located to integrate with existing and future transport connections and walking distance to the CBDs major commercial, cultural and entertainment precincts. The Department notes that location attributes would also benefit a commercial development.</li> <li>• Priority P1 Growing a stronger, more competitive Central Sydney. The proposal facilitates development which delivers capacity for economic and employment growth. The proposal responds to the City's commitment to delivering a variety of visitor accommodation in highly visited area across the City.</li> <li>• Priority S2 Creating better buildings and places to reduce emissions and waster and use water efficiently: The proposal requires a building retention approach for development wanting to utilise the amended controls. This approach aims to reduce greenhouse emissions by preserving the embodied carbon within the existing structure and improving energy efficiency through the implementation of Green Star Buildings and NABERS energy targets.</li> </ul>                                                                                |
| Sustainable Sydney 2030-2050                         | <p>Council's planning proposal states that it gives effect to the following strategic directions of Sustainable Sydney 2030:</p> <ul style="list-style-type: none"> <li>• Direction 2: A leading environmental performer: The proposal requires a building retention approach for development wanting to utilise the amended LEP provisions. This approach aims to reduce greenhouse emissions by preserving the embodied carbon within the existing structure and improving energy efficiency through the implementation of Green Star Buildings and NABERS energy targets.</li> <li>• Direction 4: Design excellence and sustainable development: The proposed LEP provisions require a building retention approach for development wanting to utilise the amended controls including up to 10% bonus FSR, if the development demonstrates design excellence.</li> <li>• Direction 5: A city for walking, cycling and public transport: The site is well positioned to utilise existing public transport networks and is located within walking distance to numerous attractions and amenities. The proposal also includes upgrades to surrounding footpaths and the pedestrian underpass which will improve walkability in the immediate area.</li> <li>• Direction 9: A transformed and innovative economy. The proposal enables development that support visitor economy and/or employment growth the of Central Sydney, helping to maintain its status as a destination for business, investment and talent.</li> </ul> |

| Local Strategies                 | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Central Sydney Planning Strategy | <p>Council's planning proposal states that it gives effect to the Central Sydney Planning Strategy through the following:</p> <ul style="list-style-type: none"> <li>1. Prioritise employment growth and increase capacity: The proposal enables development that supports the visitor economy by facilitating redevelopment which increases capacity for tourist and visitor accommodation within Central Sydney.</li> <li>5. Ensure infrastructure keeps pace with growth: Development facilitated by the proposal is subject to the Central Sydney Development Contributions Plan 2020 and City of Sydney Affordable Housing Program.</li> <li>6. Move towards a more sustainable city: The required building retention approach will improve sustainability outcomes.</li> <li>7. Protect, enhance and expand Central Sydney's heritage and public spaces: The proposal delivers additional building height without additional overshadowing to Sydney Square, Town Hall Steps and future Town Hall Square.</li> <li>8. Move people more easily: The site is well located to transport and services.</li> <li>9. Reaffirm commitment to design excellence: Development facilitated by the proposal will be subject to a design excellence competition and be eligible for up to 10% bonus FSR for demonstrating design excellence.</li> </ul> |

### 3.5 Section 9.1 Ministerial Directions

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

**Table 6 9.1 Ministerial Direction assessment**

| Directions                   | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.4 Site Specific Provisions | No                         | <p>The planning proposal will introduce site specific provisions into the Sydney LEP, however this inconsistency with the Direction is considered minor and justified.</p> <p>A site-specific provision is the most appropriate mechanism to allow the FSR and HoB uplift sought by the proposal while ensuring substantial retention of the existing structure, no additional overshadowing to specific places and that the building should not be used for residential or serviced apartment uses. A site-specific provision will also ensure that development which does not seek to make use of the uplift can continue to use the existing permitted uses in the SP5 Metropolitan Centre Zone and maximum building height/FSR.</p> <p>The planning proposal's inconsistency with this Direction is justified.</p> |

| Directions                | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.2 Heritage Conservation | Yes                        | <p>There are no heritage items on the site. The proposal is supported by a Heritage Impact Statement (Attachment M) that indicates there will be no adverse impact to the heritage item located to the east of the site, with the proposal offering the opportunity to improve the ground plane surrounding the heritage item. Existing LEP provisions will ensure any impacts to the heritage item are considered during assessment of the Development Application.</p> <p>The planning proposal is consistent with this Direction.</p> |

## 4.1 Flooding

## Unresolved

This Direction seeks to ensure that new development on flood prone land is consistent with the Governments Flood Planning Framework and ensure LEP provisions are commensurate with flood behaviour and consider potential impacts on and off the site.

The planning proposal is inconsistent with this direction. The Flood Impact and Risk Assessment (FIRA) prepared by the proponent (Attachment H) shows floor levels of the existing structure to be below the flood planning level for this development type.

The planning proposal facilitates an increase in development intensity on the site with an additional 150-200 hotel rooms proposed. The building retention approach means that there is no proposed change at the existing ground plane, however redevelopment offers the opportunity to utilise additional methods to achieve compliance with the City's upcoming provisions for Water and Flood Management outlined in the draft DCP amendments endorsed by Council in July 2025.

The Flood studies completed by the proponent identify the several areas of non-compliance as displayed in table 7.

| Location                           | Existing floor level (AHD) | 1% AEP flood level (AHD) | Probable Maximum Flood (PMF) level (AHD) |
|------------------------------------|----------------------------|--------------------------|------------------------------------------|
| Sands Street loading dock entrance | 4.27m                      | 4.58m                    | 5.41m                                    |
| Day Street lobby entrance          | 4.40m                      | <50mm deep               | 4.64m                                    |
| Day Street basement entrance       | 3.70m                      | 3.78m                    | 4.64m                                    |

**Table 7 Flood planning levels compliance (source: Planning proposal)**

The entrance to the Sands Street loading dock is currently located at a trapped low point, where overland flow approaches from Sussex Street and begins to pond when the flow exceeds the capacity of the stormwater network.

Investigations by the proponent found that moving the loading dock would be inconsistent with the adaptive reuse and retention method of the proposal. It was also found that raising either the floor level of the dock, or the Sands Street low point, would not be possible due to limited space and gradient requirements of the dock and adjacent existing properties and dock entrances. The proponents Justification Report also note that any flooding to loading dock should not impact on the rest of the building as other internal floor levels are above the PMF level.

In response to the findings, the proponent has proposed utilising automated roller shutter doors as flood barriers to protect the loading dock. Opportunities to explore upgrading

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                            | <p>the stormwater network can also be explored at the DA stage.</p> <p>The pedestrian lobby entrance on Day Street was found to be 50mm below the 1% AEP event and 24cm below the PMF level. The proponent has argued that raising the floor level above the PMF would not be feasible due to the need to maintain compliance for disability access. Automated flood gates are proposed as an alternative.</p> <p>Finally the vehicle access off Day Street is also below the 1% AED PMF levels and have limited ability for modification due to street level and headroom for the existing ramp.</p> <p>While the building retention method limits the options available to improve existing flood conditions, it also means that maintaining current conditions on the ground plane prevents any worsening of current flood conditions.</p> <p>Flood gates are generally discouraged in the City, however upcoming changes to the DCP recently endorsed by Council, will provide for passive structural flood mitigation measures when all other options have been explored and Council is satisfied that no other options can be implemented.</p> <p>The FIRA that indicates that the development is not expected to significantly worsen current flood conditions and could improve conditions through redevelopment and improved mitigation strategies.</p> <p>A condition is recommended requiring that Council consult with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEE) and the NSW State Emergency Service (NSW SES) to enable their review of the FIRA.</p> <p>A Gateway condition has also been recommended requiring the FIRA to be updated with further detail on Shelter-in-Place provisions. Consistency with this direction remains unresolved..</p> |

| Directions                           | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.4 Remediation of Contaminated Land | Yes                        | <p>The City has considered the potential for contamination of the site given its history, and the proponent has prepared a Report on Preliminary Site (Contamination) Investigation (Attachment R).</p> <p>The new provisions would require the retention of the existing structure with no bulk excavation; however, some degree of excavation would be required for footing expansions, service and lift pits. No change in land use is facilitated by the proposal.</p> <p>Preliminary results have not identified any issues of concern. Further investigations will be undertaken as part of any future development application.</p> <p>The planning proposal is consistent with this Direction.</p> |
| 4.5 Acid Sulphate Soils              | No                         | <p>The site is in area classified as Class 1 &amp; 2 under section 7.14 of the Sydney LEP. Any development on the site will result in intensification of land uses on the site.</p> <p>No change in land use is proposed, and the development would require the retention of the existing structure with a limited degree of excavation required for expansion of services.</p> <p>The planning proposal is inconsistent with this Direction, however this inconsistency is considered minor and justified noting there are existing provisions in the LEP for acid sulphate soils. Council has also noted that an acid sulphate soils management plan will be required for a future DA.</p>              |
| 6.1 Residential Zones                | Yes                        | <p>The proposal will not intensify potential for residential uses on the site as these uses are excluded from the increased FSR and maximum HOB. As no change is proposed to residential uses, this proposal is consistent with the Direction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 7.1 Employment Zones                 | Yes                        | <p>The proposal permits increased density tourist accommodation and/or commercial floorspace in Central Sydney which is an appropriate location for both uses according to the District Plans and LSPS. As noted above it is recommended that the proposal be updated for consistency with The Sydney Plan Centres Policy if the policy is finalised prior to notification of the planning proposal.</p> <p>The proposal is consistent with this Direction.</p>                                                                                                                                                                                                                                           |

### 3.6 State environmental planning policies (SEPPs)

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

**Table 7 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                                 | Requirement                                                                                                | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP<br>(Biodiversity<br>and<br>Conservation)<br>2021 | The SEPP contains provisions to protect the catchment, foreshores, waterways and islands of Sydney Harbour | Yes                              | <p>The site is in the Sydney Harbour Catchment but not in the Foreshores and Waterways Area. It is not within 100m of a natural waterbody.</p> <p>The impact of the development in a regulated catchment is addressed in the Urban Design Report, FIRA and Infrastructure Report (Attachment B, H and Q). Due to the retention of the structure with limited additional excavation, adverse impacts on water quality have been considered as unlikely.</p> <p>Further investigation will need to be undertaken as part of any future development application.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p> |
| SEPP<br>(Resilience<br>and Hazards)<br>2021           | The SEPP contains provisions to manage development on hazardous or potentially hazardous land.             | Yes                              | <p>The City has considered the potential for land contamination considering the history of the site. The proponent has prepared a Preliminary Site (Contamination) Investigation (Attachment R) which has not revealed any issues of concern.</p> <p>The proposal does not facilitate a change in land use and requires minimal excavation.</p> <p>Further investigation will be undertaken as part of any future development application.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>                                                                                                                    |

| SEPPs                                                | Requirement                                                                      | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP<br>(Transport<br>and<br>Infrastructure)<br>2021 | The SEPP requires consultation with authorities for certain types of development | Yes                              | <p>The site is near the Cross City Tunnel and Western Distributor and the associated overlapping land ownerships.</p> <p>Some early consultation with Transport for NSW has been noted by the proponent justification report and the Council planning proposal notes plans to consult with Transport for NSW during exhibition.</p> <p>A Gateway condition has been included requiring formal consultation with Transport for NSW during the exhibition period.</p> |

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

| Environmental Impact                  | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building retention and sustainability | <p>The proposal seeks to undertake an adaptive reuse approach to redevelopment of the site. Originally constructed in 1988 as a 10-storey concrete frame building, the proponent has prepared an Existing Building Services Condition Report (Attachment V) which outlines the services which will need replacing due to age and changes to NCC standards.</p> <p>Reuse of the building structure provides an opportunity to retain the embodied carbon of the existing building.</p> <p>The Urban Design Report (Attachment B) identifies additional methods to increase sustainability of the existing building and the redevelopment by pursuing electrification, reducing reliance on gas and improving thermal and acoustic performance of the façade and glazing.</p> |

## Solar access and overshadowing

The planning proposal seeks to insert a site-specific height control which will increase the maximum building height from 45m to RL87.87m (approximately 85m) to facilitate the proposed increase in FSR for buildings that will not be used for residential purposes or serviced apartments.

The site is subject to the no additional overshadowing controls as outlined in section 6.18 of the Sydney LEP. Specifically, no additional overshadowing is permitted to:

- Sydney Town Hall Steps, from 14 April to 31 August, between 10:30am and 4pm;
- Sydney Square, from 14 April to 31 August, between 10:30am and 4pm; and
- Future Town Hall Square, all year between midday and sunset.

Proposed DCP controls will establish a maximum building envelope to comply with the above restrictions.

- The proposal will impact solar access to residential buildings located to the south and east of the site on Bathurst and Sussex Streets. The following buildings were analysed by the proponent for potential overshadowing impact. Jade Apartments, 267 Sussex Street
- Kaz Tower, 273-279 Sussex Street
- Millenium Towers, 289-295 Sussex Street
- Maestri Towers, 298 Sussex Street
- Crowne Plaza, 58 Bathurst Street

Council's planning proposal notes that there is no expected change to the number of apartments receiving direct sunlight for more than 2 hrs in midwinter for both Jade Apartments and the Crowne Plaza.

Kaz Tower is a 14-storey building containing 38 apartments. The building is currently non-compliant with the Apartment Design Guide (ADG). The proposal will increase the number of apartments that currently receive less than 2 hours of direct sunlight at midwinter by 2 (5.6%).

Millenium Towers is a 20-storey building containing 318 apartments. The current building is non-compliant with ADG with only 118 (37%) of apartments receiving 2 hrs of direct sunlight at midwinter. The proposal will increase the number of apartments receiving less than 2hrs of sunlight at midwinter by 12 (3.7%). The inner courtyard of Millenium Towers will also be significantly overshadowed by the proposed development.

Maestri Towers is a 26-storey building containing 284 apartments. Maestri is also non-compliant with the current ADG with only 83 (29%) apartments receiving 2 hours of direct sunlight at midwinter. The proposed development will result in an additional 6 apartments (2.1%) receiving less than 2 hrs of sunlight in midwinter.

Council notes that both Millenium and Maestri Towers were constructed prior to the current ADG and not designed for orientation to maximise direct sunlight in mid winter. The applicable DCP at time of construction (Central Sydney Development Control Plan 1996) required sun access for a minimum of 2hrs per day on the equinox measured on the main window or front edge of the open space. Council notes that based on the original DCP requirements, the proposal would not change to the number of apartments receiving adequate sunlight on the equinox.

The proposal has been supported by Council to proceed to consultation based on the provided solar access assessment and considerations of the objectives and

| Environmental Impact | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>directions of the regional, district and local plans and strategies, in particular actions in the Central Sydney Planning Strategy and provisions in Council's DCP which seek to ensure that residential development does not restrict new commercial development.</p> <p>Owners of surrounding properties will have the opportunity to comment on the proposal during exhibition.</p>                                                                                                                                                                                                                                                                                                |
| Wind                 | <p>The planning proposal is supported by a Pedestrian Wind Environment Study (Attachment G). The report highlights that existing wind conditions on Day Street currently fail the City of Sydney's Wind Safety Standard and Wind Comfort Standard for various points around the site.</p> <p>The study informed additional modifications to the site massing resulting in the current proposed planning controls which were found to deliver wind conditions equivalent to or improved from the current conditions.</p> <p>Additional wind tunnel testing will be required following a design competition to ensure that any development application has acceptable wind conditions.</p> |
| Views                | <p>The planning proposal notes that the proponent has prepared a View Sharing Analysis (Attachment L, which analysed the surrounding visual context and potential visual impacts of the development. The analysis found none of the likely affected views would be considered as iconic, scenic or highly valued as established in the view sharing planning principle from Tenacity Consulting vs Warringah Council.</p> <p>Council has concluded that as the site is in a highly urbanised location, the impact on existing private views is reasonable.</p> <p>Owners of surrounding properties will have the opportunity to comment on the proposal during exhibition.</p>           |
| Flooding             | <p>See assessment of flooding in section 3.4 of this report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Heritage             | <p>The site is not heritage listed or located within a Heritage Conservation or Special Character area. There is a locally listed heritage item (Former warehouse 'The Vintage' 1964) adjacent to the site across Sands Street to the east.</p> <p>A Statement of Heritage Impact has been prepared by the proponent (Attachment M. The statement concludes that the proposal will not cause any significant impact to the heritage item, with views from and to the item not unreasonably disrupted.</p>                                                                                                                                                                                |

## 4.2 Social and economic

The planning proposal is expected to have positive social and economic impacts with the redevelopment of the site providing additional tourist and visitor accommodation near major tourist and transport infrastructure.

The planning proposal will also provide social benefits with improved amenity at the ground plane and commitment to improve the Western Distributor pedestrian underpass as well as publicly accessible food and beverage services associated with the accommodation services.

The proposal is supported by Economic Impact Assessment (Attachment D) which concludes the proposal has the potential to generate 313 full time jobs during construction and 84 full time equivalent jobs following completion.

The planning proposal notes that according to Tourism Research Australia's data for average domestic expenditure per night per trip, the expansion in tourist and visitor accommodation floor space has the potential to generate approximately \$31.8 million for Sydney's tourism economy.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, as well as infrastructure proposed in support of the proposal.

**Table 9 Infrastructure assessment**

| Infrastructure                     | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic, Transport and Car Parking | <p>A Transport Impact Assessment (Attachment J) was submitted in support of the planning proposal which concludes that the proposal will not significantly impact surrounding road capacity or performance.</p> <p>As the proposal includes the retention of the existing structure, no substantial changes are proposed to the current basement and car parking space. Proposed car parking spaces are well below the maximum limit set by the Sydney LEP.</p> <p>The loading dock cannot be expanded due to the retention of the existing structure. It features 3 Small Rigid Vehicle (SRV) (ie garbage truck, delivery vehicle) spaces and 2 B99 (Large SUV and Utility vehicles) spaces below the 7 required by the Sydney DCP but in alignment with Transport NSW recommendations. A Delivery Servicing Plan will be required as part of the site specific DCP to ensure vehicle access is adequately managed.</p> |
| Utilities and Services             | <p>An Infrastructure Report (Attachment Q) has been provided by the proponent which notes existing services by public utilities including water, sewer and stormwater, electricity, gas, and telecommunications. The report notes that no upgrades are expected necessary for water, sewer and gas. Electricity connection is expected to require upgrading to support the development.</p> <p>A condition has been included to consult with relevant utility providers during the exhibition period including Sydney Water and Ausgrid.</p>                                                                                                                                                                                                                                                                                                                                                                             |

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The planning proposal is categorised as standard under the LEP Making Guideline (August 2023) which require an exhibition period of 20 working days (which is generally consistent with the 28 days proposed by Council). The exhibition period proposed by Council is considered appropriate, and forms to the conditions of the Gateway determination.

## 5.2 Agencies

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

- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water
- Sydney Water
- State Emergency Service
- Ausgrid

Consultation with the above agencies has been included as a condition of the Gateway determination.

## 6 Timeframe

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

The LEP Making Guideline (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 6 November 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. The completion date has been noted in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal has an unresolved inconsistency with Section 9.1 Direction (4.1 Flooding), the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

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

- It is consistent with the Sydney Plan, District Plan, Council's Local Strategic Planning Statement and the Central Sydney Planning Strategy.
- The proposal will provide additional tourist and visitor accommodation floor space near major tourist attractions and transport infrastructure, providing positive contributions to the local economy. Alternately it may facilitate additional commercial floorspace in Central Sydney supporting jobs growth.
- The proposal will contribute to improved sustainability outcomes by its adaptive reuse of the original building.
- Inconsistency with Section 9.1 Directions is either justified or where unresolved has been addressed by the Gateway conditions.
- The proposal is otherwise consistent with all other relevant Section 9.1 Directions and all applicable SEPPs.
- An amendment to the Sydney LEP is the best means of achieving the objectives and intended outcomes of the planning proposal.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with the following section 9.1 Directions are minor or justified
  - 1.4 Site Specific Provisions
  - 4.5 Acid Sulphate Soils
- Note that the inconsistency with Direction 4.1 Flooding remains unresolved.

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

The following conditions are recommended to be included on the Gateway determination:

1. The FIRA is to be updated prior to exhibition to include additional information on Shelter in Place provisions.
2. Consultation is required with the following public authorities:
  - Department of Climate Change, Energy, the Environment and Water
  - Transport for NSW
  - Ausgrid
  - Sydney Water
  - State Emergency Services
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the unresolved matter in the planning proposal, it is recommended that Council not be authorised to be the local plan-making authority. The recommended completion date for the LEP is on or before 6 November 2026.



12 January 2026

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27 January 2026

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