DEVELOPMENT APPLICATION ASSESSMENT

Application No: D/2017/1037
Date of Lodgement 2 August 2017
Applicant/Architect CD ARCHITECTS
Developer HELLENIC CLUB LIMITED
Application Site: 251-253 ELIZABETH STREET & 238-240 CASTLEREAUGH STREET, SYDNEY
Proposal: Demolition of the existing 6 storey Hellenic House building at 251-253 Elizabeth Street, excavation and construction of a new 16 storey building with a height of approximately 55m (RL 81.13) to accommodate a hotel (99 rooms) as well as minor works to 238-240 Castlereagh Street comprising:

- back of house and bicycle parking at basement 3;
- ancillary gym and health and beauty at basement 2;
- business centre and meeting rooms at basement 1 and 2;
- bar, lounge and lobby at ground level as well as minor works to 238-240 Castlereagh Street for the provision of an opening for servicing;
- hotel rooms on levels 1-13,
- swimming pool and bar on level 14; and
- bar on level 15.

SITE AND SURROUNDING DEVELOPMENT

1. The proposal relates to 251-253 Elizabeth Street and 238-240 Castlereagh Street, Sydney. Its legal descriptions are Lot 1 DP 55847 and Lot 1 DP 187103.

2. 251-253 Elizabeth Street is a regular mid-block allotment with a primary street frontage to Elizabeth Street measuring approximately 15.3 metres and a site area of 326.8m². It has a fall of 1.5 metres from the east to the west over a distance of 21.1 metres. It accommodates a 6 storey building known as
Hellenic House. Adjoining the site to the north and south are other commercial buildings.

3. 238-240 Castlereagh Street contains a building of local heritage significance, being the ‘former “Workers Building” including interiors and light well’ (I1705). A food and drink premises occupies the ground floor of the building with upper levels accommodated by the Hellenic Club.

4. Hyde Park is located on the opposite side of Elizabeth Street to the east and is also identified to be a heritage item of state significance (I1871). The site is located within the College Street/Hyde Park Special Character Area.

5. The most recent site visit was carried out on 6 June 2018. Surrounding land uses are retail, commercial and public recreation uses. Photographs of the site and surrounds are illustrated below.

Figure 1: Aerial image of subject site and surrounding area.
Figure 2: View to the site south along Elizabeth Street.

Figure 3: Elizabeth Street (east) elevation of existing Hellenic House.
Figure 4: Footpath awning and ground level interface with existing building.

Figure 5: Looking north along Elizabeth Street to the existing Hellenic House.
Figure 6: View to site from Hyde Park south.

Figure 7: Castlereagh Street (west) facade of local heritage item known as the former Workers Building.
HISTORY AND AMENDMENTS TO THE APPLICATION

6. From 10 August 2017 to 13 October 2017, revised technical documentation was submitted to Council, which include a Registered Quantity Surveyor’s Detailed Cost Report, Detailed Site Investigation (DESI) Report, Acoustic Report and details relating to future licenced premises.

7. On 12 October 2017, the application was referred to Council’s Design Advisory Panel (DAP). The following matters were recommended:

(a) The height and form of the building should comply with the requirements of the Sydney Development Control Plan 2012, in particular:

   (i) The sun access place for Hyde Park;

   (ii) Setback above street frontage;

   (iii) The 6m setback to the rear of the building;

(b) Excavation on the alignment with the rear boundary is not supported as it poses a risk to the adjacent heritage item;

(c) Concern is raised issue with the loading and servicing, which is fundamental to the operation of the hotel. Amalgamation of the site with the western property is recommended allowing for service access from Castlereagh Street, subject to an acceptable design solution; and

(d) Materials and finishes require clarification.

8. In written correspondence dated 30 November 2017, amendments the proposal were required by addressing the following matters:

(a) The height of the development is to comply with the Hyde Park West Sun Access Plane (SAP) pursuant to Clause 6.17 of the Sydney Local Environmental Plan 2012 (LEP) and simultaneously comply with the 55m height control pursuant to Clause 6.16 of the LEP;

(b) Demonstrate consistency with the controls pertaining to street frontage height (45m) and rear setback (6m) in Section 5.1.3 in SDCP 2012;

(c) Provide details of the Performance Solutions to resolve access requirements to Level 16, which does not provide lift access;

(d) Resolve transport, access and servicing issues:

   (i) Redesign the proposal to incorporate on-site parking for service vehicles in consideration of the parking restrictions on Elizabeth Street or provide evidence of servicing arrangements with adjoining properties, notably 238-240 Castlereagh Street;
(ii) Provide information relating to pick up and drop off procedures of hotel and restaurant guests;

(iii) Provide adequate bicycle parking;

(iv) Provide a Transport and Loading Management Plan;

(e) Consideration to the setting and views of the neighbouring heritage building by providing a structural assessment and geological report to determine appropriate setbacks for the development;

(f) Provide details of plant species and growing requirements for the proposed green wall;

(g) Submit a revised Plan of Management; and

(h) Submit a detailed Construction and Environmental Management Plan to address noise and vibration impacts associated with demolition, excavation and construction.


10. On 14 April 2018, a meeting was carried out with Council Planning Officers as well as the Applicants to discuss issues relating to demolition, excavation, construction noise and vibration as well as traffic, servicing and heritage. The discussions resulted in a written request for additional information to be provided as follows:

(a) Provide further details in addressing and mitigating noise and vibration from demolition, excavation and construction works;

(b) Architectural details of servicing from Castlereagh Street, which include written documentation from land owners of 238-240 Castlereagh Street;

(c) Provide waste servicing from an on-site collection room at ground level, as recommended by the Director;

(d) Amend the Loading Management Plan to include traffic generation data, details of existing usage of loading zones, details of types of service vehicles, address parking limitations on the surrounding street network, address potential conflicts with bus services on Elizabeth Street, and address existing and future capacity of on-street loading and parking;
(e) Improve the heritage relationship of the site by concealing services, and amending the design of sandstone blades on the ground floor building elevation and further details on awning treatment.

11. On 10 May, a request for further landscaping details was relayed to the applicant. The details were not provided as it was considered the details could be provided prior to the issue of Construction Certificate.

12. On 18 May 2019, amended plans and a revised Traffic and Transport Report was submitted to Council. The architectural plans demonstrated the provision of rear access from 238-240 Castlereagh Street, amendments to the western boundary wall as per engineer details and revised design of the sandstone blades on the ground floor front elevation.

13. On 21 June 2018, written consent was provided from the owners of 238-240 Castlereagh Street for the works associated with the building and to include the site as part of the subject development application.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

14. The existing Hellenic House building was constructed during the late 1950s and was officially opened as the Hellenic Club in 1959, as a club for the Greek community. Most Hellenic Club activities, including bar and restaurant uses have been moved to the former Workers Building at 238-240 Castlereagh Street immediately adjacent to the west of Hellenic House.

15. Hellenic House mostly accommodates commercial uses, except for level 4 which currently contains some remaining elements of the Hellenic Club including a meeting space and gaming machines. The site has been subject to several building applications from 1971 to 1991, which generally relate to internal works to the building.

16. Several development applications have been submitted to Council, which proposed demolition of the existing building and construction of a mixed use development as follows:

(a) On 21 December 1992, Development Application D/1991/98 was approved for the demolition of existing buildings except the former Workers Building facade, construction of a 17 storey club and commercial building. This consent applied to the sites currently containing the Hellenic Club and the former Workers Building.

(b) On 15 June 2000, Development Application D/1999/1035 was approved for the demolition of existing buildings on site and erection of a mixed use hotel/residential/club building and underground car park (63 spaces) including retention of the club premises for use of the existing Hellenic Club.
(c) On 11 January 2005, Development Application D/2003/781 was approved for a concept proposal for the retention and conservation of the Castlereagh Street facade of the Australian Workers Union (AWU) Building, demolition of all other buildings and structures, and approval of a building envelope containing commercial, retail, club uses and car parking.

PROPOSAL

17. Consent is sought for the demolition of the existing 6 storey ‘Hellenic House’, excavation and construction of a new 16 storey building for the purposes of a hotel (99 rooms) with a height of 55m (RL 81.13) comprising of the following components:

**Basement 3**
- provision of staff room and amenities;
- hotel kitchen and back of house facilities as well as storage rooms;
- waste storage areas;
- bike room;
- plant rooms and services;

**Basement 2**
- end of journey facilities for the bike room, consisting of a bathroom and change rooms;
- business centre;
- beauty and health rooms;
- gymnasium;
- provision of a green wall and landscaping;

**Basement 1**
- meeting rooms and amenities;
- plant rooms, substation and services;

**Ground Floor**
- hotel reception and lobby area;
- bar and lounge area;
• services and control rooms;
• provision of an opening at 238-240 Castlereagh Street to allow for service vehicles and loading;

_Level 1 – Level 12_
• provision of hotel rooms;

_Level 13_
• provision of plant rooms and hotel suites with balconies;

_Level 14_
• provision of an infinity pool, outdoor deck and poor bar;

_Level 15_
• provision of a bar, amenities, pool pump room and storage; and

_Roof_
• provision of 2 cooling towers and lift overrun.

*Figure 8: Photomontage of the proposed development.*
ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

18. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55 – Remediation of Land

19. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

20. Pursuant to Clause 7 Contamination and remediation to be considered in determining development application, a consent authority must not consent to the carrying out of any development on land unless it is satisfied if the land is contaminated, it will be suitable in its contaminated state or following remediation, for the proposed development.

21. A Detailed Environmental Site Investigation (DESI), prepared by EI Australia, was submitted to Council on 13 October 2017. The findings of the report outlined that all potential contaminating materials were found to be under the Health Investigation Level. The report was reviewed by Council’s Senior Environmental Health Officer, who supports the conclusions and recommendations of the report. The site is a low level risk, however further investigation and consideration is required to ascertain the site’s suitability. Conditions of consent are recommended to ensure compliance with the DESI Report and its recommendations. This includes further site investigations and validation testing.

State Environmental Planning Policy (Infrastructure) 2007

22. The provisions of SEPP (Infrastructure) 2007 are considered in the assessment of the development application.

Clause 45

23. The application is subject to Clause 45 Subdivision 2 Development likely to affect an electricity transmission or distribution network of the SEPP as the development involves penetration of the ground within 2m of an underground electricity power line or an electricity power pole.

24. In accordance with the Clause, written notice to the electricity supply authority, being Ausgrid and Transgrid, was provided for a period of 21 days. On 22 August 2017, confirmation was received from Ausgrid that the proposal is acceptable subject to conditions of consent, which have been included in Schedule 3 of the Decision Notice. No correspondence was received from Transgrid. It is assumed that no objections were raised regarding the proposal.
Clause 86

25. The application is subject to Clause 86 of the SEPP as the development proposes works and excavation within a rail corridor.

26. In accordance with the Clause, written notice to Sydney Trains was given. On 8 September 2017, confirmation was received by Sydney Trains, granting unconditional concurrence pursuant to Clause 86(4) of the SEPP as the development is considered to have negligible potential impacts on the Rail Corridor.

27. The application was also referred to Transport for NSW (TfNSW) for comment. On 12 September 2017, confirmation was received by Transport for NSW (TfNSW) that the proposal is acceptable, subject to conditions of consent that have been included in Schedule 3 of the Decision Notice.

Clause 101

28. The application is subject to Clause 101 of the SEPP as the site has frontage to Elizabeth Street, which is a classified road.

29. In accordance with this Clause, the application was referred to Roads and Maritime Services (RMS). In written correspondence dated 4 October 2017, the RMS confirmed that Elizabeth Street, at the site’s location, is an unclassified regional road, therefore not requiring a referral under this Clause.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

30. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

31. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:

(a) Protect and improve hydrological, ecological and geomorphologic processes.

(b) Consider cumulative impacts of development within the catchment.

(c) Improve water quality of urban runoff and reduce quantity and frequency of urban run-off.

(d) Protect and rehabilitate riparian corridors and remnant vegetation.

32. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not
applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

**Water Management Act 2000**

33. The proposed development involves excavation for 3 levels of basement. To ascertain the proposal would not impact on groundwater and therefore, require an aquifer interference approval in accordance with Clause 91 Activity Approvals of the Act, the application was referred to the Department of Primary Industries (Water) for a period of 21 days. No correspondence was received, therefore it can be assumed that no issues were raised regarding the proposal.

**Heritage Act 1977**

34. The site is located adjacent to Hyde Park, which is listed in the State Heritage Register (I1871). In this light, a referral was sent to the Heritage Council of NSW. On 13 February 2018, written correspondence was received, highlighting that the proposed excavation of the site could potentially uncover archaeological resources. As a delegate of the Heritage Council of NSW, Office of Environment and Heritage (OEH) recommended conditions of consent in consideration of the archaeological potential of the site. These are incorporated in Schedule 3 of the Decision Notice.

**Sydney LEP 2012**

35. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

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<tr>
<th>Compliance Table</th>
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<tr>
<td>Development Control</td>
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<tr>
<td>2.3 Zoning Objectives and Land Use Table</td>
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<tr>
<td>4.3 Height of Buildings 6.17 Sun Access Planes</td>
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with the highest part of the building measuring RL 81.13. The building does not exceed the height of 55m at any point.

| 4.4 Floor Space Ratio | Yes | The site area is approximately 326.8m². A base FSR of 8:1 (2614.4m²) is permitted. The site is located within Area 2 and is eligible for an additional Accommodation Floor Space of 6:1, if utilised for the purposes of residential accommodation, serviced apartments, hotel or motel accommodation, community facilities or centre-based child care facilities. In consideration of the applicable floor space provisions allowable under SLEP 2012, the maximum GFA of 4,575.2m² and an FSR of 14:1 is permitted. The proposed development presents a GFA of 3596.31m² and an FSR of 11:1 for hotel accommodation and as such, complies with the FSR provisions of SLEP 2012. |
| 6.4 Accommodation Floor Space | |

| 5.10 Heritage | Yes | The site contains a heritage item of local significance being the ‘former “Workers Building” including interiors and light well’ (I1705). Hyde Park is located on the opposite side of Elizabeth Street to the east and is also identified to be a heritage item of state significance (I1871). See discussion under the heading Issues. |

**Part 6 Local provisions—height and floor space**

| 6.4 Accommodation Floor Space | Yes | The proposal is eligible for additional floor space under this Clause. Refer to FSR discussion above. |
| 6.17 Sun Access Planes | Yes | The site is located within the Hyde Park West sun access plane (SAP). The proposal has been amended to be consistent with the prescribed SAP. |
| 6.21 Design Excellence | Yes | The proposal involves the erection of a new building within Central Sydney, and as such, the provisions of this Clause are relevant. The proposal incorporates finishes, materials and a colour schedule that are appropriate to the heritage setting and site context of neighbouring heritage items. The proposal would not result in adverse environmental impacts such as overshadowing and noise and is acceptable. This is discussed further under the heading **Issues**. |

**Part 7 Local provisions—general**

| Division 1 – Car parking ancillary to other development | Yes | The development is subject to a maximum of 1 space for every 4 bedrooms for hotel accommodation up to 100 bedrooms (24.75 spaces). The site is located in Category A in the Land Use and Transport Integration Map. The proposal does not provide onsite car parking or any off-street car parking spaces within the site. A further discussion is provided below under the heading **Issues**. |

| 7.19 Demolition must not result in long term adverse visual impact | Yes | The redevelopment of the site involves the demolition of the existing building and the construction of a new building. The proposal has minimal adverse visual impact as a result of the demolition. The proposal does not detract from the quality of the streetscape and the special character area. |

**Sydney DCP 2012**

36. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

**2. Locality Statements – College Street/Hyde Park Special Character Area**

The subject site is located in the College Street/Hyde Park Special Character Area. The proposal is in keeping with the unique character of the area and design
principles of the area. The development is built to the street alignment and provides a consistent setback with neighbouring buildings. Views to and from Hyde Park and St Mary’s Cathedral are retained. Specifically the proposal is consistent with the prescribed sun access plane height ensuring sun access to Hyde Park is maintained.

### 3. General Provisions

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<tr>
<th>Development Control</th>
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<th>Comment</th>
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<tr>
<td>3.2.1 Improving the Public Domain</td>
<td>Yes</td>
<td>The proposal would not adversely impact on the public domain in terms of sun access to publicly accessible open spaces. Shadow diagrams were submitted with the application demonstrating the proposal results in no significant additional overshadowing to Hyde Park and the public domain.</td>
</tr>
<tr>
<td>3.2.2 Addressing the street and public domain</td>
<td>Yes</td>
<td>The proposal makes a positive contribution to the public domain in addressing Elizabeth Street. The proposal encourages an active street frontage by way of locating hotel lobby and common areas towards the Elizabeth Street elevation. The front façade consists of sandstone columns and clear glazing that provides opportunities of passive surveillance to the public domain.</td>
</tr>
<tr>
<td>3.2.3 Active Frontages</td>
<td>Yes</td>
<td>A contemporary awning design is proposed over the public domain constructed of aluminium composite with glass cover. A condition of consent is recommended requiring the awning to be redesigned. Refer to discussion below under the heading <strong>Issues</strong> and <strong>3.2.6 Wind Effects</strong>.</td>
</tr>
<tr>
<td>3.2.4 Footpath Awnings</td>
<td>Yes</td>
<td>The site is identified on Footpath Awning and Colonnade Map in the SDCP 2012, notably for colonnades. The neighbouring property to the north of the subject site provides a continuous colonnade. The proposed development</td>
</tr>
<tr>
<td>3.2.5 Colonnades</td>
<td>No, but acceptable</td>
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does not propose a colonnade but rather proposes an awning which will not be consistent with the neighbouring building alignment.

The reason to provide a colonnade to a building is largely to provide pedestrian amenity. The inconsistency is considered acceptable in this circumstance as the proposal provides weather protection to the public domain.

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<tr>
<th>3.2.6 Wind Effects</th>
<th>Able to comply</th>
<th>The proposal presents a height greater than 45m, and as such, requires submission of a Wind Assessment Report. A report, prepared by Windtech Consultants dated 30 June 2017, has been submitted with the application. Refer to discussion below under the heading Issues.</th>
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<tr>
<td>3.2.7 Reflectivity</td>
<td>Yes</td>
<td>A Reflectivity Report, prepared by Windtech Consultants dated 4 May 2017, confirms the proposed development will have minimal reflectivity to motorists and pedestrians should the proposal utilise external glazing with a maximum normal specular reflectance of visible light of 20%. Council’s standard condition of consent is recommended.</td>
</tr>
<tr>
<td>3.5 Urban Ecology</td>
<td>Able to comply</td>
<td>The proposal involves the provision of an internal atrium, including a green wall (measuring 15m wide x 10m tall) and landscaping to the rear of the site. Council’s Landscape Officer reviewed the proposal and raises concern for the growing condition of plant species to sustain the green wall. Special conditions of consent have been recommended for a detail landscape plan to be submitted prior to the carrying out of works. Refer the Issues discussion below.</td>
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| 3.6 Ecologically Sustainable | Yes | An ESD Report, prepared by BCA Energy dated 22 February, was submitted with the application and was
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<tr>
<th>Development</th>
<th>reviewed by Council’s Environmental Sustainability Officer. The proposal is capable of satisfying environmental requirements to which conditions of consent have been recommend to ensure ESD principles are applied.</th>
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<tbody>
<tr>
<td>3.8 Subdivision, Strata Subdivision and Consolidation</td>
<td>Yes</td>
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<tr>
<td>3.9 Heritage</td>
<td>Yes</td>
</tr>
<tr>
<td>3.9.3 Archaeological Assessments</td>
<td>Yes</td>
</tr>
<tr>
<td>3.11 Transport and Parking</td>
<td>Able to comply</td>
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<tr>
<td>3.11.1 Managing Transport Demand</td>
<td>No</td>
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<tr>
<td>Section</td>
<td>Decision</td>
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<td>3.11.3 Bike Parking and associated facilities</td>
<td>Yes</td>
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<td>3.11.4 Vehicle Parking</td>
<td>No, but acceptable</td>
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<td>3.11.6 Service Vehicle Parking</td>
<td>Able to comply</td>
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<tr>
<td>3.11.8 Bus Parking</td>
<td>Able to comply</td>
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<tr>
<td>3.11.11 Vehicle Access and Footpaths</td>
<td>Yes</td>
</tr>
<tr>
<td>3.11.13 Design and location of waste collection points and loading areas</td>
<td>Able to comply</td>
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Sydney.
Council’s Traffic Planner recommends a condition for the applicant to provide further details of waste management collection prior to the issue of an operative consent. Refer to Issues discussion below.

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<tr>
<th>Section</th>
<th>Status</th>
<th>Notes</th>
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<tbody>
<tr>
<td>3.12 Accessible Design</td>
<td>Yes</td>
<td>A condition is recommended for the proposal to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</td>
</tr>
<tr>
<td>3.13 Social and Environmental Responsibilities</td>
<td>Yes</td>
<td>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</td>
</tr>
<tr>
<td>3.14 Waste</td>
<td>Able to comply</td>
<td>A condition is recommended for the proposal to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</td>
</tr>
</tbody>
</table>
| 3.15 Late Night Trading Management                | Yes            | The site is located within the City Living Area. The proposal for a hotel would be categorised as a Category B – Low Impact Premises and is proposed to be a licensed premises.
The proposal generally satisfies the objectives of this Section. A condition of consent has been recommended to be imposed requiring an updated Plan of Management to be submitted. |
| 3.16 Signage and Advertising                      | Yes            | The proposal does not involve the provision of signage, however a condition of consent is recommended requiring future proposals for signage would be subject to a separate application. |
| 3.17 Contamination                                | Yes            | The submitted Detailed Environmental Site Investigation report indicates the site is of low level risk, however further investigation to the contamination of the site is required. This has been imposed |
4. Development Types

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<tr>
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<tbody>
<tr>
<td>4.4.8.1 General Provisions</td>
<td>Yes</td>
<td>The premises would be managed by a private hotel operator. A condition of consent is recommended requiring for the submission and approval of an updated Plan of Management to be prepared in accordance with the provisions.</td>
</tr>
<tr>
<td>4.4.8.3 Additional provisions for hotels, private hotels and motels.</td>
<td>Yes</td>
<td>The guest rooms vary in size from 17.54m² to 42.12m² and accommodates a maximum of 2 guests. The minimum 0.6m² of lockable storage facilities per person is provided in each room. Therefore, the proposal satisfies the room size and storage requirements prescribed in this Section.</td>
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5. Specific areas – Central Sydney

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<tr>
<th>Development Control</th>
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<tr>
<td>5.1.1 Street Frontage Heights</td>
<td>Yes</td>
<td>The proposal provides a street frontage height of 41.98m, and as such, is consistent with the maximum 45m control.</td>
</tr>
<tr>
<td>5.1.2.1 Front Building Setback</td>
<td>No</td>
<td>An 8m building setback is required above the required street frontage height. The proposal provides a minimum front building setback of 3.2m. Refer to discussion below under the</td>
</tr>
</tbody>
</table>
5.1.2.2 Side and Rear Setbacks  
Yes  
A 3m side and rear setback is required for commercial buildings.  
The proposal provides a 3m rear setback and nil side setback to the northern and southern boundary. The nil side setbacks are acceptable as these elevations incorporate a solid façade and do not result in unacceptable amenity impacts to adjoining properties. Notwithstanding this, conditions of consent are imposed ensuring the development complies with the BCA.

5.1.3 Street frontage heights and setbacks for Special Character Areas (SCA)  
No  
An 8m setback above the street frontage height is required.  
The proposal provides a minimum 3.2m front building setback.  
Refer to Issues discussion below.

5.1.5 Building Bulk  
Yes  
The development does not propose a horizontal building façade greater than 65m.

5.1.6 Building Exteriors  
Yes  
The façade treatment is consistent with the objectives of this Provision and exhibits an appropriate design response to the streetscape and characteristics of the Special Character Area.

**ISSUES**

*Heritage and Design Excellence*

37. The site contains a heritage item being the ‘former "Workers Building" including interiors and light well’ (I1705). Hyde Park is located on the opposite side of Elizabeth Street and is identified to be a state heritage item (I1871).

38. As such, consideration is made to the provisions contained in Clause 5.10 Heritage Conservation and Subclause (4)(d)(iii) “any heritage issues and streetscape constraints” outlined in Clause 6.21 Design Excellence in Sydney Local Environmental Plan 2012.

39. With respect to the façade and design of the development, the proposal is amended to incorporate the recommendations provided by Council Officers, notably improving the heritage relationship of the site to Hyde Park. This is
achieved by concealing services and amending the design of sandstone blades on the ground floor building elevation on Elizabeth Street. Conditions of consent have been recommended for further design modifications to be carried out with respect to privacy and sun protection measures to be provided on the western building elevation.

40. The proposal also involves minor works to the heritage building on 238-240 Castlereagh Street to provide access for servicing and loading to 251-253 Elizabeth Street. In principle, the works to the rear of the heritage building, notably to the existing loading area (refer to Figure 9 below), are considered to have minimal impact on significant heritage fabric. This is supported by Council’s Heritage Specialist who considers the incorporation of the heritage building with the new development would have a positive heritage impact. Notwithstanding this, a condition of consent has been recommended for further details to be submitted and approved by Council for the works to 238-240 Castlereagh Street prior to the issue of an operative consent.

41. An ogive-shaped profile of the preceding building ‘Lawson House’ at 236 Castlereagh Street exists on the exposed portion of the northern elevation of the heritage building at 238-240 Castlereagh Street. The exposed elevation reveals a prominent contrast of rendering and original brickwork. To complete the dominant render finish of the heritage building, consideration was made to render the exposed brick work as part of the subject application. Perusal of Council records indicate the lot boundary exists on the original brickwork of the building. In consultation with Council’s Heritage Specialist, the profile is interpreted to have heritage significance in conserving a remnant of the previous Lawson House. As such, the exposed northern elevation would be retained in its existing conditions.

42. Therefore, the proposal is considered to exhibit an acceptable heritage interpretation and achieve design excellence in that the overall design, material selection and detailing is appropriate to the site context, streetscape and heritage setting. Notably, the form and external appearance is considered to be sympathetic and consistent with the built form, quality and modulation of neighbouring buildings. The proposal adequately addresses the public domain and encourages an active street frontage that is attractive and inviting. No significant views are obstructed as a result of the proposal, in particular views to and from Hyde Park. The proposal would not result in adverse environmental impacts such as overshadowing. The internal amenity of the proposal is considered acceptable.

43. Further, in consideration of Section 3.9 Heritage in Sydney Development Control Plan 2012, the proposal is acceptable. The proposal satisfies the objectives of this Section as the development has been designed to consider the sensitive heritage setting of the area. The potential archaeological significance of the site has been recognised, in which nominated conditions have been recommended for further investigations to be carried out prior to works commencing.
44. The proposal has been referred to relevant internal and external referrals, being Council’s Heritage Specialist and Urban Designer as well as the Office of Environment and Heritage who confirms support of the proposal, subject to conditions of consent.

**Access, Traffic and Transport**

45. The proposal does not provide onsite or off street car parking spaces and has been amended to provide access and servicing from the rear via the existing loading facilities located at 238-240 Castlereagh Street, Sydney. An image of loading bay is provided below:

![Image of existing loading facilities at 238-240 Castlereagh Street, proposed to provide service access for the subject site.](image)

**Figure 9:** Image of existing loading facilities at 238-240 Castlereagh Street, proposed to provide service access for the subject site.

46. Pursuant to *Clause 7.9 in Division 1 of SLEP 2012*, the proposal for *hotel accommodation* cannot exceed a maximum of 1 space for every 4 bedrooms for hotel accommodation up to 100 bedrooms (24.75 spaces). The provision of no parking is considered acceptable given the location of the site within the CBD and frequent public transport services available from Elizabeth Street.

47. The application was referred to Council’s Transport Planner and Transport for NSW who have raised the following issues:

(a) Servicing:

(i) Elizabeth Street is a busy thoroughfare, particularly as a primary bus route for several services. Therefore, servicing and access to the site would be problematic;
(ii) The proposed use as a hotel requires on-site servicing areas to be provided;

(b) Bicycle facilities;

(c) Sustainable transport.

48. A revised Traffic and Transport Report prepared by Peopletrans, dated 17 May 2018, was submitted and reviewed by Council's Traffic Planner. The following matters were raised:

(a) The Report demonstrates that at some times of the day there is sufficient parking supply on-street to meet service parking demand attributed to the site. However, further information is required;

(b) Bin and waste collection would need to be reconsidered;

(c) Additional information is required to address potential conflicts with busses and double parking on Elizabeth Street;

(d) Additional information is required as to how pedestrian access might be provided to allow servicing from Castlereagh Street;

(e) Additional information on hotel passenger pick-up and set down procedures, including transfers and taxis;

(f) Demonstration that the business model does not require coach parking, or provide information supporting how the side would operate without the use of coach access;

(g) Bicycle facilities are required to be designed to the Australian Standards and Section 3.11.3 Bike Parking and Associated Facilities of SDCP 2012; and

(h) Demonstration that the development maximises the share of travel by public transport, bicycles, walking, car-pooling or car share.

49. Further, the application was referred to Transport for NSW who recognises the parking and servicing implications for the proposed use and for the site. In written correspondence dated 12 September 2017, support of the proposal was provided by TfNSW, subject to the provision of a Loading Management Plan, Coach Parking Management Plan and Construction Pedestrian and Traffic Management Plan being provided to the satisfaction of TfNSW. These have been recommended as conditions of consent.

50. In consideration of the provisions contained in Section 3.11 Transport and Parking in SDCP 2012 as well as the comments provided by Council's Transport Planner and TfNSW, the proposal is capable of demonstrating consistency with relevant provisions in this Section. To this effect, a deferred commencement consent is recommended, which mandates the following conditions:

(a) The proposed rear access through 238-240 Castlereagh Street is to be created by a reciprocal Right of Carriageway (or similar) to benefit the site and is to be registered on the Title by NSW Land Registry Services;
(b) A Servicing Plan of Management is to be submitted and approved, which details methods of waste collection, deliveries, management of bus/coach vehicles and management of hotel passenger pick up and set down;

(c) A Revised Waste Management Plan that demonstrates consistency with the Servicing Plan of Management; and

(d) A Transport Access Guide that provides information to maximise share of travel by modes including public transport, cycling, walking, carpooling and car share.

**Awning and Wind Effects**

51. The proposed awning is provided along the full extent of the building frontage and has a width of 2.3m and a height of 4.2m. It is proposed to be affixed on the first floor building elevation, protruding over the public domain. No columns or posts are proposed.

52. A Wind Assessment Report, prepared by Windtech Consultants dated 30 June 2017, was submitted with the application. The Report outlines that the awning, as proposed, would impact on the comfort and safety for pedestrians along the footpath on the eastern frontage. The Report recommended the following to improve wind conditions of the development:

(a) *The Level 1 awning should be made impermeable;*

(b) *The south-eastern corner of the Level 1 awning should be modified to have a square edged corner; and*

(c) *The width of the Level 1 awning should be increased to approximately 3.3m.*

53. To ascertain that these recommendations are incorporated in the development, a condition of consent requiring amendments to the awning has been imposed to this effect. Therefore, subject to satisfaction of the condition, the proposal is capable of complying with the provisions contained in 3.2.6 Wind Effects in SDCP 2012.

54. In consideration of recommended amendments to the awning to mitigate wind impacts, the awning would remain to be consistent with the objectives and provisions prescribed in 3.2.4 Footpath Awnings in SDCP 2012 as:

(a) The awning would achieve the objective of this Section, which seeks to enhance pedestrian amenity and provide weather protection;

(b) The awning is within the 4.2m height control;

(c) The awning is provided along the full extent of the front elevation abutting the public domain; and

(d) The recommended 3.3m width remains consistent with the maximum awning width control of 3.6m.
**Urban Ecology**

55. The proposal involves the provision of an internal atrium, which includes a green wall with dimensions of 15m (width) x 10m (height) and landscaping to the north-western portion of the site.

56. Amended architectural plans and a landscape plan was submitted with the application and was referred to Council’s Landscape Assessment Officer who provided the following comments:

(a) The atrium will entirely be in shade. It is assumed that additional ‘grow lighting’ will be required to create adequate conditions for the proposed landscaped planters and green wall to be sustained; and

(b) The provided plans do not provide sufficient information on the detailed green wall design. A condition of consent is recommended for the submission of a detailed landscaped plan to be submitted and approved by Council prior to the issue of Construction Certificate.

57. The recommendations of Council’s Landscape Planning Officer have been incorporated as conditions of consent. Therefore, subject to satisfaction of these conditions, the proposal is capable of complying with the objectives and provision contained in Section 3.5 Urban Ecology in SDCP 2012.

**Setbacks**

58. The proposed front building setback above the required street frontage height of 3.2m to Elizabeth Street is inconsistent with the 8m control prescribed in Section 5.1.2.1 Front Building Setback and Section 5.1.3 Street frontage heights and setbacks for Special Character Areas (SCA) of the SDCP 2012. Figure 10 illustrates the proposed front building setback.
59. The departure is considered acceptable where a sun access plane causes an angled profile above that raised level. The proposal demonstrates consistency with the principles pertaining to the College Street/Hyde Park Special Character Area, notably:

(a) (e) maintain and strengthen the sense of enclosure provided by the buildings to the west and south of Hyde Park, by requiring new buildings to be built to street alignment, to have street frontage heights consistent with the existing development and to have adequate setbacks above those street frontage heights.

(b) (h) protect and extend lunchtime sun access to Hyde Park and other open spaces in this Special Character Area.

60. The aerial photomontage submitted with the application exemplifies the relationship of the proposal with existing development, which demonstrates a consistent street frontage height and angled setbacks with adjoining buildings, as indicated in Figure 10 below.
61. Further, the proposal is consistent with the sun access plane height control affecting the site, which seeks to retain sun access to Hyde Park. Therefore, the departure to the front building setback is acceptable.

(b) Other Impacts of the Development

62. The proposed development is capable of complying with the BCA.

(c) Suitability of the site for Development

63. The proposal is suitable for the site.

(d) CONSULTATION

Internal Referrals

64. The assessment and conditions of consent have been informed by advice from Council's Heritage Specialist, Urban Design Specialist, Building Surveyor, Environmental Health Specialist, Licenced Premises Specialist, Public Domain Specialist, Licensed Premises Specialist, Safe City Specialist, Specialist Surveyor, Transport and Access Specialist, Landscape Design Specialist, and the Design Advisory Panel. Where appropriate, conditions recommended by these referrals have been included for imposition on any consent given.
External Referrals

65. The conditions of the relevant external referrals have been included in the proposed conditions.

66. The application was referred to Sydney Trains, Transport for NSW, Ausgrid, Office of Environment and Heritage, Road and Maritime Services and NSW Police. Correspondence was received confirming support of the proposal subject to the imposition of nominated conditions.

67. It should be noted that the application was also referred to Transgrid and Office of Water. However, no response was received. It is assumed that no issues were raised regarding the proposal.

NOTIFICATION, ADVERTISING AND DELEGATION

68. In accordance with Schedule 1 of the Sydney DCP 2012, the subject application was notified and advertised for a period of 21 days. One submission was received. Issues raised in the submission are summarised and responded to as follows:

(a) Concern is raised about noise and vibration arising from the demolition and construction phases of development to the operation of the neighbouring educational establishment at 255 Elizabeth Street. It was requested that works be undertaken outside of the operating hours of 8:00am-9:00pm, seven days a week.

69. Response: The site is located within the Sydney CBD and would be subject to Council’s standard condition of consent for hours of work and noise, which mandates the following:

(a) Demolition, excavation and building works are to be carried out from 7:00am-7:00pm, Monday to Friday, 7:00am-5:00pm Saturday and no work on Sunday and Public Holidays

(b) All work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010

70. These parameters are considered acceptable, having regard to the location of the site within the CBD. Notwithstanding this, a Construction and Noise Plan was submitted with the application and reviewed by Council’s Environmental Health Officer. The report is considered to be insufficient in addressing noise and amenity impacts during works. As such, a detailed plan has been conditioned to be submitted and approved prior to the issue of Construction Certificate to ascertain that noise generated from the works would not unreasonably impact on the local area.
(e) Public Interest

71. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS

S61 CONTRIBUTION

72. The cost of the development is in excess of $200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2013. An appropriate condition has been included in the recommendation of this report.

CONCLUSION

73. Having regard to all of the above matters, it is considered that the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for a deferred commencement consent, subject to conditions as shown in the attached Decision Notice.

74. The application is approved for a deferred commencement consent under delegated authority.

75. The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.
Report Prepared by: Reinah Urqueza  
Planner

Application reviewed by: Andrew Rees  
A/Manager Planning Assessments

Application determined under delegation of the CEO and Council by: Graham Jahn AM  
Director City Planning Development and Transport