

Attachment A

Assessment Report

201 Elizabeth Street Redevelopment - Stage 2

State Significant Development Assessment Report (SSD 64090972)

Council reference: D/2024/854

June 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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201 Elizabeth Street Redevelopment - Stage 2 (SSD 64090972) Assessment Report

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Preface

This assessment report provides a record of the City of Sydney Council's (the City) assessment and evaluation of the State Significant Development (SSD) application for the 201 Elizabeth Street Redevelopment / Stage 2 located at 201-217 Elizabeth Street, Sydney, lodged by Charter Hall Holdings Pty Limited. The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development approval for the project should be granted and any conditions that should be imposed.

Executive Summary

This report details the City of Sydney's assessment of the State Significant Development Application SSD 64090972 for 201 Elizabeth Street Redevelopment – Stage 2. The proposal is for the demolition of existing structures, removal of trees, remediation, bulk excavation and construction of a 55 storey mixed-use development comprising a 441 key hotel, 264 residential apartments, ground floor lobby, retail, ground plane public domain works and 5 basement levels for 267 car spaces.

The subject application requires an amendment of the approved concept envelope to increase height of the overall tower and accommodate a change in setbacks. A section 4.55(2) modification application to the Concept Approval SSD (8105-Mod-1 / D/2017/349/A) has been lodged concurrently with the subject SSDA. Subject to the approval of the Concept Modification SSD, the subject SSDA will be consistent with the concept development consent.

This application follows, and is generally consistent with, the design competition winning scheme resulting from a competitive design process held in December 2018. The winning scheme prepared by FJC Studio (then known as FJMT) are the nominated architects for the subject application.

This is a State Significant Development Application in accordance with Section 13 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)* as the SSD approval comprises hotel accommodation with a capital investment value of more than \$100 million.

On 7 February 2017, the then Minister for Planning delegated consent authority functions to the City in respect of the original application D/2017/349. On 23 February 2017, Secretary of the Department of Planning and Environment (as it was previously known) delegated responsibility for the assessment of the application (and related functions) to the City.

It is noted that the subject application was lodged prior to 13 December 2024, when subsection 13(3) of the Planning Systems SEPP was changed enabling hotel accommodation of any value to be determined by the City.

Central Sydney Planning Committee (CSPC) is the consent authority as the development has a capital investment value of more than \$50 million.

Engagement

The City and the Department of Planning, Housing and Infrastructure (the Department) publicly exhibited the environmental impact statement (EIS) for 28 days from 29 October 2024 to 27 November 2024.

During the exhibition period, the City received 3 submissions objecting to the proposal and advice from 6 government agencies.

Key concerns raised in community submissions related to:

- Overshadowing to Hyde Park
- Public domain to be upgraded before additional residential apartments are approved in the area
- Overprovision of hotels in the area, resulting in noise impacts
- Heritage impacts
- Lack of loading spaces/zones and parking in surrounding streets

- View impacts
- Wind impacts
- Construction impacts
- Reduced property value
- Proposal does not comply with the current provisions of the LEP (height and FSR)

The applicant submitted a response to submissions (RtS) report on 20 February 2025 to address the issues raised in submissions and agency advice, as well as additional information.

The applicant also provided further information on 11 March and 1 May 2025 to address concerns raised by City staff.

Assessment

The City has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in submissions. The City considers the proposal acceptable for the reasons outlined below.

Strategic Planning Framework

The proposal is consistent with the strategic planning framework established for the site. In particular, the proposal is consistent with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan as it would provide additional residential accommodation in a highly accessible CBD location, support the increase in tourist and conference assets within the CBD, while also supporting a late-night economy and diversification of the Harbour CBD's commercial activities.

Design Excellence

The developer undertook a competitive design process in accordance with the City's provisions, with the proposed development consistent with the winning scheme and recommendations of the competition jury. As discussed within the report, the development achieves the principles of design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.

Built Form

The built form of the proposed development is generally in accordance with built form controls applicable to the site contained in the Sydney LEP 2012 and Sydney DCP 2012. The proposed development:

- maintains appropriate daylight and sunlight in streets, lanes and public spaces
- appropriately manages wind impacts on surrounding public domain areas so that they are safe and comfortable for people
- ensures the podium responds appropriately to the existing streetscape and nearby heritage items
- provides appropriate setbacks above the street frontage height
- provides appropriate separation of the tower form from adjoining and nearby developments, providing appropriate outlook for surrounding building occupants

- plans the ground floor so as to minimise pedestrian and vehicle conflicts and disruption of traffic on public roads

Conclusion

The Detailed Design SSDA is generally consistent with the relevant planning controls for the site and adequately justifies any areas of non-compliance, as detailed throughout this assessment report. The development follows a Concept Approval SSD and a competitive design process. The SSDA is consistent with the winning scheme and the recommendations of the selection panel and matches the Concept Modification SSD building envelope for D/2017/349/A that is being reported to CSPC concurrently. The proposal is considered to achieve design excellence.

Whilst the proposal exceeds the sun access plane that applies to the site, it has demonstrated that the resultant exceedance does not create unacceptable overshadowing, privacy, wind or view impacts. The development complies with floor space and car parking provisions of the Sydney LEP 2012 and is generally consistent with the provisions of the Apartment Design Guide (ADG). Subject to conditions, the development will not result in any adverse environmental impacts and will provide a good standard of amenity to occupants within the building and surrounding developments.

The proposal is considered to be in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

Charter Hall Holdings Pty Limited (the applicant) seeks approval for the demolition of existing structures, removal of trees, remediation, bulk excavation and construction of a 55 storey mixed-use development comprising a 441 key hotel, 264 residential apartments, ground floor lobby, retail, ground plane public domain works and 5 basement levels for 267 car spaces.

The Capital Investment Value (CIV) for the development is \$924,927,531 (excluding GST), generating 844 construction jobs and 310 operational jobs.

1.1 The site

The subject site is located at 201-217 Elizabeth Street, Sydney in the City of Sydney local government area (LGA) and on the eastern edge of the Sydney Central Business District (CBD) (see Figure 1 and Figure 2).

The site is legally described as Lot 1 in DP 868008.

The site is bound by Park Street to the north (at approximately 37m), Elizabeth Street to the east (at approximately 87m), Castlereagh Street to the west (at approximately 87m) and a commercial development at 219-227 Elizabeth Street to the south. Hyde Park is located to the east of the site.

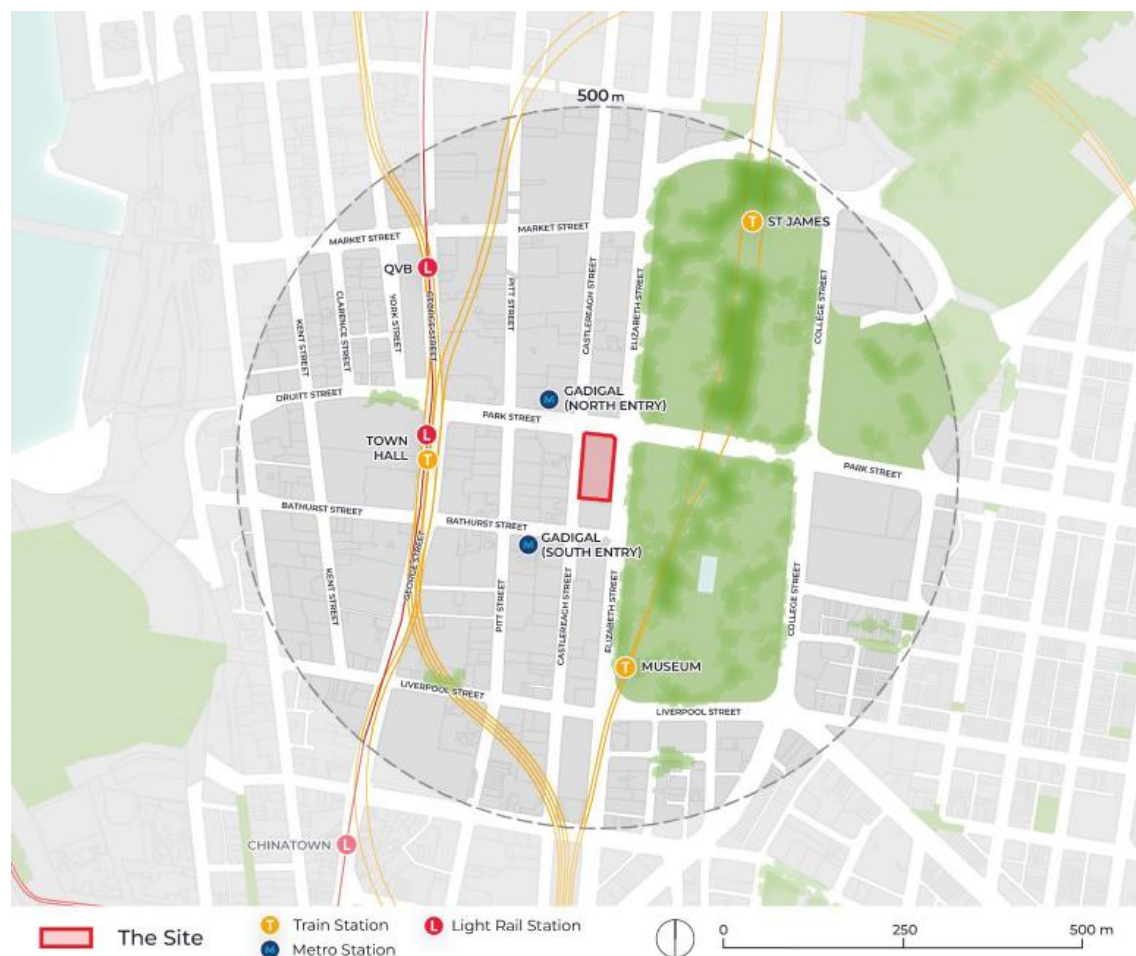


Figure 1 | Site location and context map (Source: Ethos Urban EIS)



Figure 2 | Site aerial map (Source: Ethos Urban EIS)

The site is rectangular in shape with a splayed north-western corner adjacent to Park Street and Castlereagh Street, and has a total site area of 3,901sqm. The topography of the site includes a fall in level from Elizabeth Street to Castlereagh Street of approximately 1 metre, and a slight fall in the land from south to north.

The site contains a 38 storey commercial office tower above 2 levels of basement car park accessed from Castlereagh Street via separate entry and exit driveways. Basement access is shared with the neighbouring site to the south at 219-227 Elizabeth Street, with the entry driveway located within the subject site, and the exit driveway located on the neighbouring site.

Primary pedestrian access is from the northern end of the site via entries on Elizabeth Street and Castlereagh Street. A secondary access point is located at the southern end of the commercial lobby, via Elizabeth Street. Access to the lower ground floor is via Park Street. Mid-block pedestrian access is available between Elizabeth Street and Castlereagh Street via stairs which also lead to the lower ground floor.

The lower ground floor constitutes a double height space which presents as single storey to Park Street, in the northern portion of the site, and is open to the sky at the southern end of the site. The lower ground floor contains vacated retail tenancies and what used to be an early learning centre with play area. Pedestrian access to Museum Railway Station is also provided, connecting to the neighbouring site at 219-227 Elizabeth Street.

The site abuts the Cross City Tunnel (CCT) westbound tunnel and the Sydney Metro City and South West underground corridor first reserve. The site is also affected by the following easements and covenants:

- Reciprocal right of carriageway providing shared basement access with 219-227 Elizabeth Street;

- Right of footway within the site providing pedestrian access on Castlereagh Street; and
- Lease to the Sydney County Council of substation and control point rooms.

The site is located within the Central Sydney locality and the College Street / Hyde Park Special Character Area. The site is not identified as a heritage item, nor is it located within a heritage conservation area. The site is adjacent to heritage items of local significance including:

- Hyde Park (I1654), including north and south park reserves to the immediate east of the site. Hyde Park contains the state listed Anzac War Memorial (SHR No. 01822) which is diagonally south-east of the subject site;
- the Former “CENEF House” including interiors (I1700) at 201 Castlereagh Street to the immediate west;
- St Georges Church including interior and forecourt (I1701) at 201A Castlereagh Street to the immediate west;
- “Porter House” including interior (I1702) at 203 Castlereagh Street to the south-west of the site and
- the “Former Australian Consolidated Press” façade (I1751) at 189-197 Elizabeth Street to the north of the site, across Park Street.

The subject site is not flood affected.

Photographs of the site are provided below.



Figure 3 | View of the subject site from Hyde Park, looking south-west



Figure 4 | View of the subject site from the Anzac Memorial, Hyde Park, looking north-west



Figure 5 | View towards the subject site from Elizabeth Street, looking north, with 219-227 Elizabeth Street in the foreground



Figure 6 | View of the subject site from the intersection of Castlereagh and Park Streets, looking south-east



Figure 7 | View subject site and adjacent residential development on the western side of Castlereagh Street from Hyde Park, looking south-west

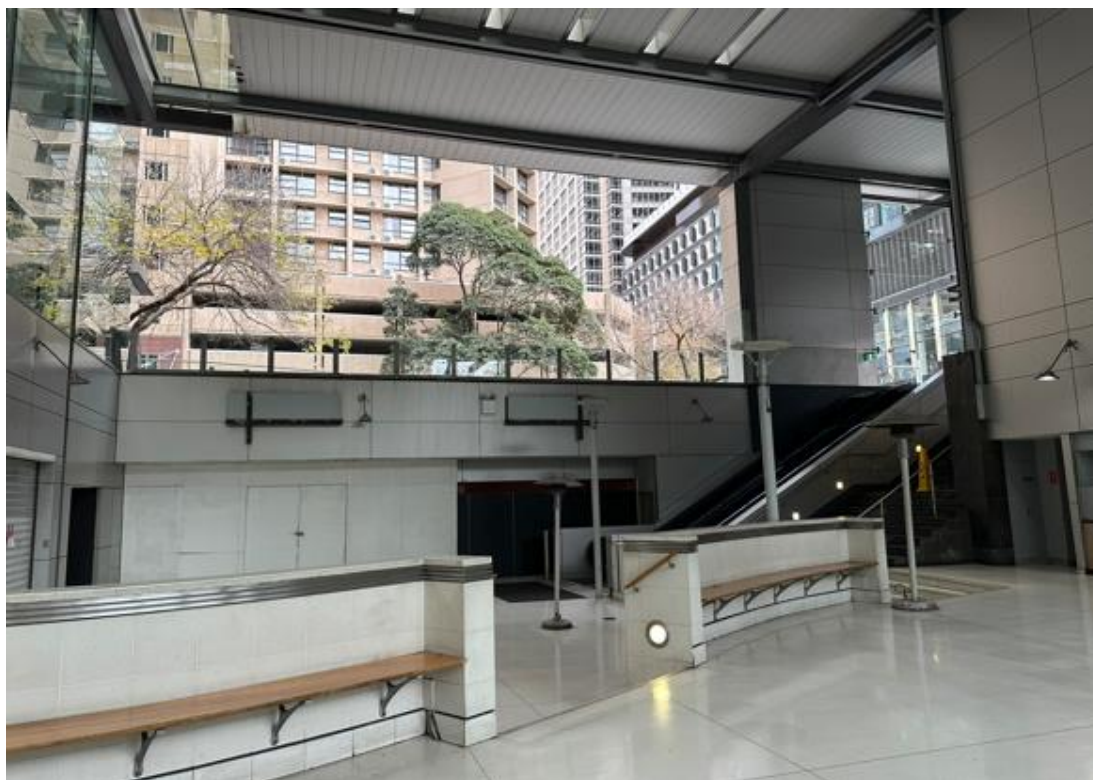


Figure 8 | View of lower ground floor, looking towards Castlereagh Street



Figure 9 | View south along Castlereagh Street. Adjacent to the subject site, including the entry driveway shared with the neighbouring site at 219-227 Elizabeth Street



Figure 10 | View of the driveway exit, shared with the neighbouring site at 219-227 Elizabeth Street



Figure 11 | View across the southern end of the subject site from Elizabeth Street to Castlereagh Street, with the mid-block pedestrian access to the right and St Georges Church in the background

1.2 Surrounding site context

To the immediate north of the site, located on the opposite side of Park Street, are 13 storey commercial buildings at 50 and 60 Park Street. These buildings are built to the street wall height of 45m to Hyde Park North, with the Great Synagogue and Sheraton on the Park Hotel further north. The recently completed Gadigal Metro Station and Over-Station Development (OSD) North (a 38 storey commercial building) is located to the north-west of the site, across Park Street. To the north-east of the site is the northern half of Hyde Park.

To the immediate east of the site, across Elizabeth Street is Hyde Park South, with the Anzac Memorial to the south-east. Elizabeth Street is a primary arterial road connecting Circular Quay to the Sydney CBD, and a major bus route for buses travelling north and south. Beyond Hyde Park, Park Street becomes William Street, which acts as a major thoroughfare connecting the Eastern suburbs of Sydney to the CBD.

To the immediate south of the site is a 23 storey commercial development at 219-227 Elizabeth Street. There is a basement connection between the subject site and the neighbouring site, as well as shared driveway access. This development has lower ground retail with an underground pedestrian connection to the subject site and Museum Railway Station. Further to the south across Bathurst Street, is a collection of commercial buildings generally built to the street wall height of 45m fronting Hyde Park.

To the immediate west of the site are mixed-use commercial and residential developments. The site at 27 Park Street (known as 'Park Regis') contains a 45 storey building comprising a 5 storey podium with car parking and commercial uses, and a tower containing residential apartments. The site at 197 Castlereagh Street (known as 'Victoria Towers') contains a 39 storey building comprising a 10 storey podium with commercial uses, and a tower containing residential apartments.

The local heritage item known as the former CENEFF House is located at 201 Castlereagh Street. St George's Church is located at 201A Castlereagh Street and is also identified as a local heritage item.

A 36 storey mixed-use development, known as 'Castle Residences' is located at the southern end of the block on Castlereagh Street, at 116 Bathurst Street. The site includes the adaptive re-use of the local heritage listed Porter House and comprises residential apartments, hotel accommodation and retail uses.

Further south, at 296 Pitt Street (also known as 125 Bathurst Street), is the Pitt Street Metro OSD South / 'Indi Sydney', a 37 storey tower including build to rent residential accommodation and retail premises. The development is located above the Bathurst Street entry to Gadigal Metro Station.

Photographs of the surrounding development, where relevant, are provided below.



Figure 12 | View to Bathurst Street west – residential developments Indi Sydney, Greenland and Castle Residences as indicated



Figure 13 | Castle Residences at 116 Bathurst Street, looking north-west



Figure 14 | View along Castlereagh Street, looking south-west



Figure 15 | View along Castlereagh Street, looking north-west



Figure 16 | View along Park Street, looking north-east (across from the subject site)

1.3 Related projects and approval history

1.3.1 Concept Approval – SSD 8105 / D/2017/349

On 15 February 2018, Central Sydney Planning Committee granted deferred commencement approval to 201 Elizabeth Street – Stage 1 (SSD-8105 / D/2017/349) for:

- A building envelope for the construction and use of a 50 storey (RL198.22) mixed-use building providing hotel, retail and residential uses, with basement parking.

The deferred commencement conditions required vehicular access arrangements for the site (including number and location of vehicle cross-overs) to be resolved to the satisfaction of the City and Transport for NSW (TfNSW); and modification of the building envelope to provide a minimum 17m setback from the northern boundary of the site, above the podium between RL 69.89 and RL 76.00.

The deferred commencement conditions were satisfied, and the consent became operational, on 6 September 2018.

Development consent D/2017/349 is due to lapse on 6 September 2025. This is in accordance with Section 4.53(6)(c) of the EP&A Act, where development consent received prior to the commencement prescribed period has an extended lapse date of 2 years after which the development consent would otherwise have lapsed. In this instance, the development consent would otherwise have lapsed on 6 September 2023. The prescribed period is the period commencing on 25 March 2020, ending on 25 March 2022.

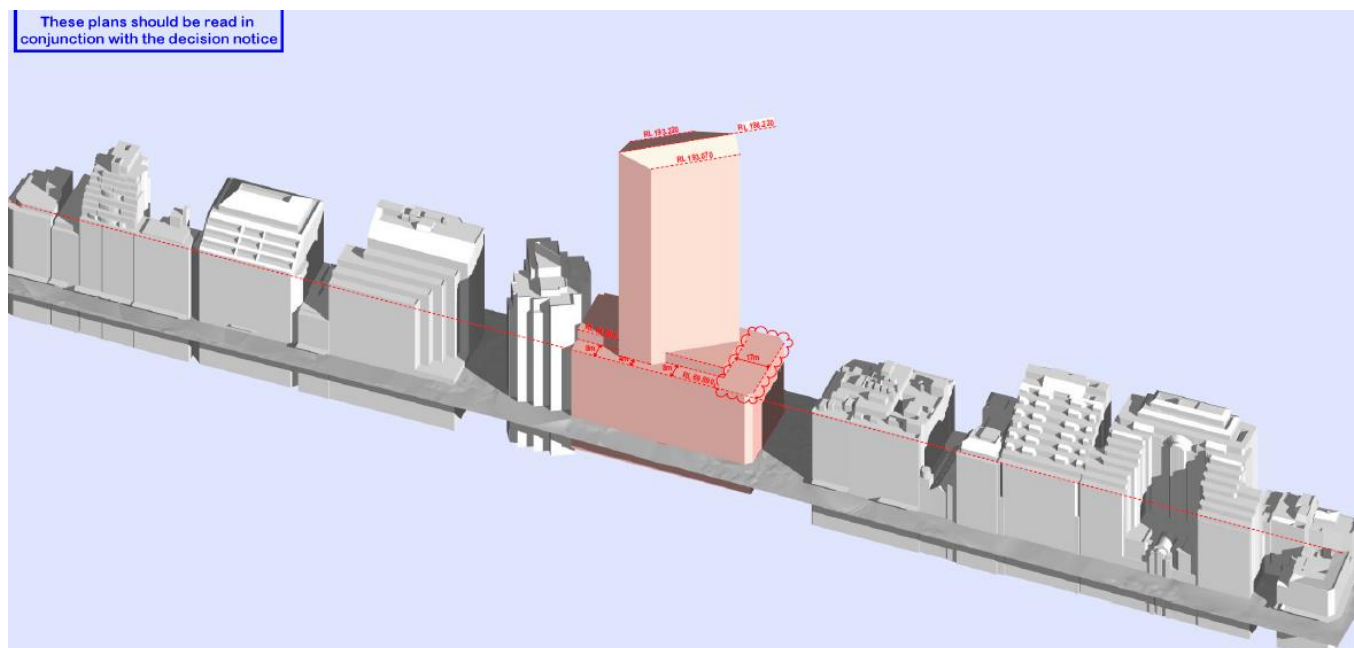


Figure 17 | Approved envelope north-south Elizabeth Street elevation for D/2017/349

1.3.2 Concept Modification SSD 8105-Mod-1 / D/2017/349/A

A modification application to the 201 Elizabeth Street – Stage 1 Concept Approval was lodged on 3 October 2024 seeking the following amendments:

- changes to the building envelope (including amendments to setbacks, additional height to the tower, and introduction of 2x through-site links within the ground plane) to align with the winning design competition scheme and the subject Detailed Design State Significant Development Application D/2024/854 (SSD-64090972); and
- the amendment of conditions (specifically Conditions 2,3, 11 and 16) to allow for the modified building envelope.

The modification application is being reported to the CSPC concurrently with the subject Detailed Design SSDA.

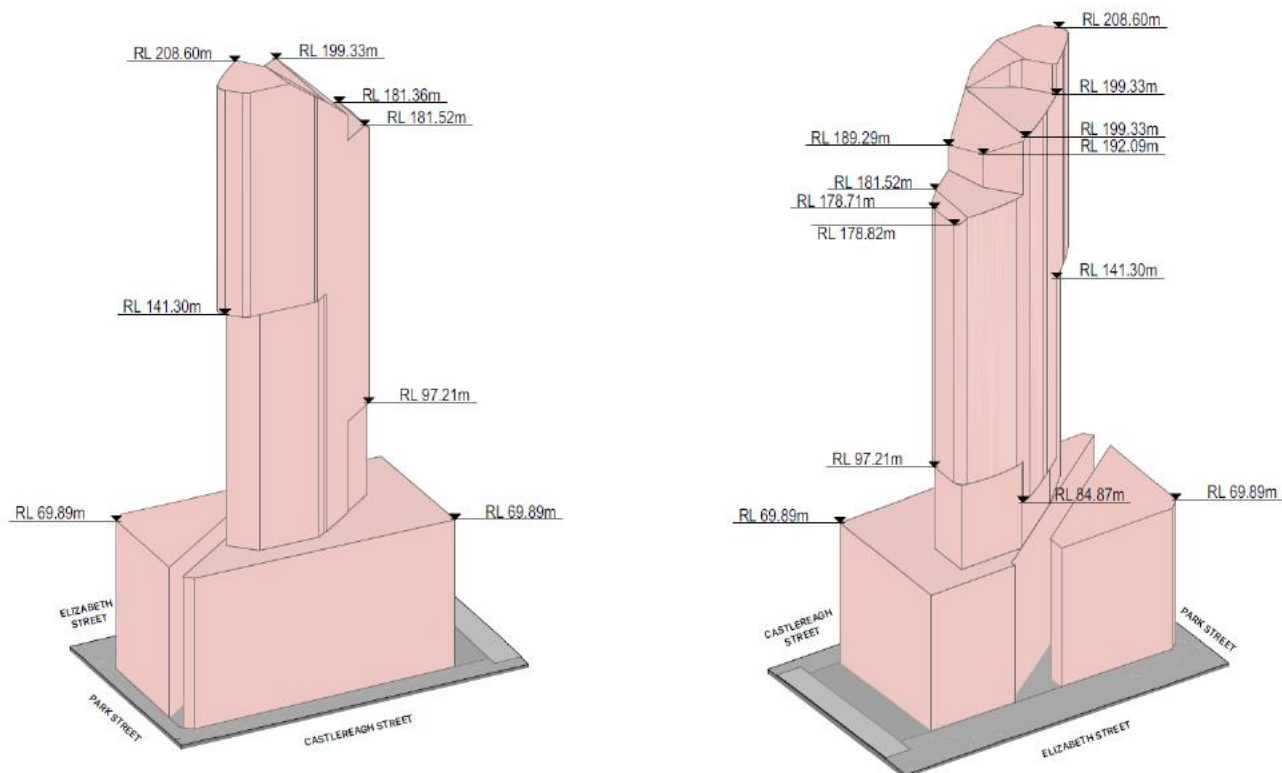


Figure 18 | Axonometric diagrams of the Concept Modification SSD – Castlereagh Street (left) and Elizabeth Street (right) elevations (Source: Ethos Urban EIS: Modified Building Envelope Drawings)

1.3.3 Competitive Design Process

An architectural design competition, based on the in-principle approved hotel, retail and residential uses, was undertaken over September to December 2018 in accordance with the provisions of Clause 6.21D of the SLEP 2012 and the City of Sydney Competitive Design Policy.

The developer sought up to 10% additional floor space ratio (FSR) as part of the competitive design process.

FJC Studio (formerly FJMT) was selected as the winning entrant by the six member selection panel, proposing a tri-partite tower sitting outside of the approved building envelope (in terms of height and massing). The panel considered the winner to demonstrate the potential for design excellence and recommended a number of fundamental aspects of the proposal to be retained within the detailed design application. This is discussed further as part of this assessment.

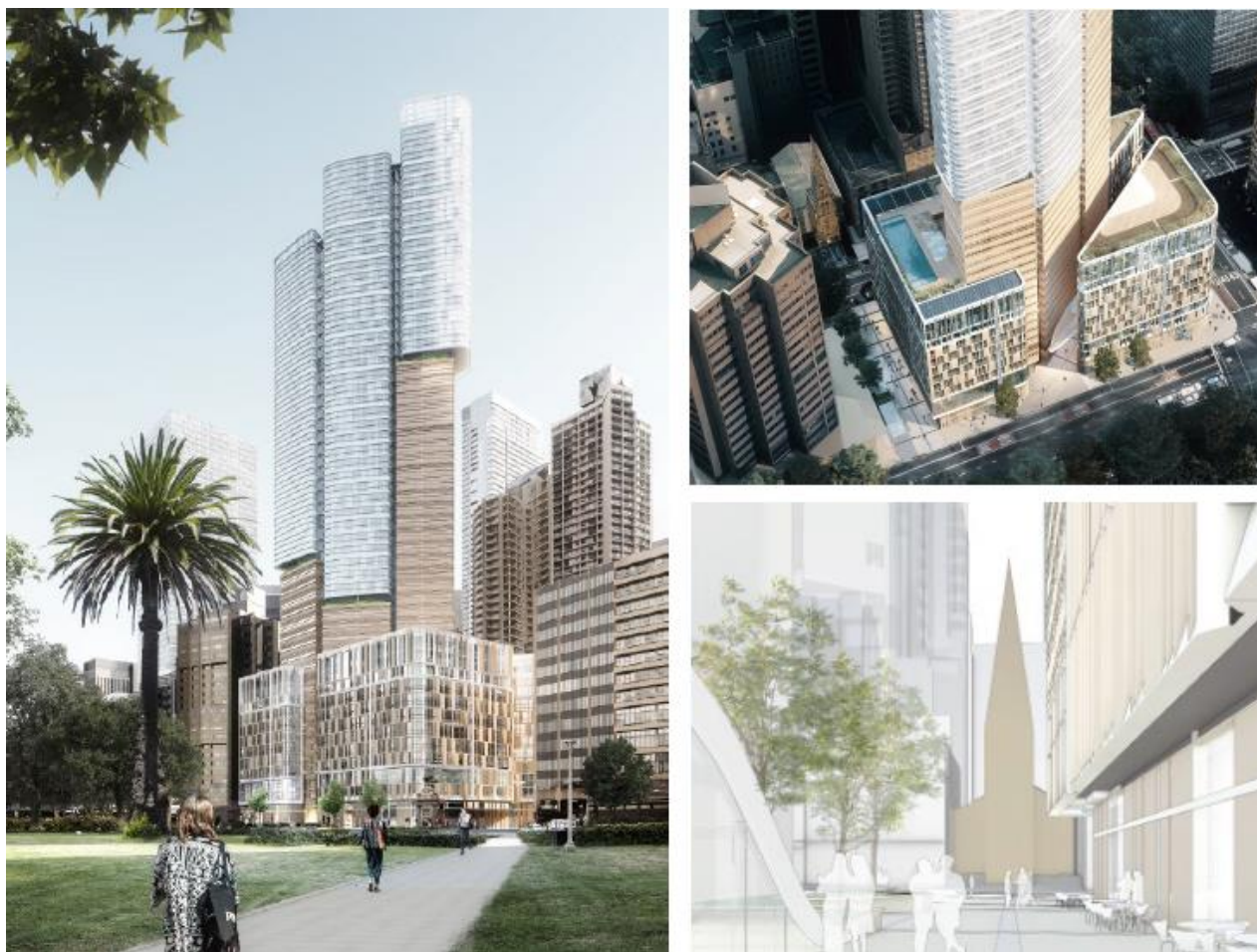


Figure 19 | Photomontage of design competition winning scheme (left – viewed from Hyde Park, top right – aerial view, bottom right – southern through-site link looking south-west to St Georges Church) (Source: Ethos Urban EIS: Design Report)

1.3.4 Other development applications

D/2022/362

On 8 December 2022, development consent was granted by the Central Sydney Planning Committee for alterations and additions to the existing commercial building, including a new podium addition, changes to the ground place, lower ground levels and basement. This consent is current but lapses on 8 December 2027.



Figure 20 | Photomontage of D/2022/362 – view from corner of Elizabeth Street and Park Street, facing south-west

2 Project

2.1 Project overview

The application seeks consent for the demolition of existing structures, removal of trees, remediation, bulk excavation and construction of a 55 storey mixed-use development comprising a 441 key hotel, 264 residential apartments, ground floor lobby, retail, ground plane public domain works and 5 basement levels for 267 car spaces.

Specifically, development consent is sought for:

- Demolition of the existing building and associated structures.
- Removal of Trees 23 and 24 (*Ficus macrocarpa* var. *hillii* (Hill's Fig)). These trees are located within the existing lower ground courtyard to the south of the subject site.
- Site remediation and bulk excavation.
- Construction of a 55 storey hotel and residential tower. The tower will have a maximum height of RL208.60 (182.28m) and a total GFA of 57,763sqm (14.81:1), and will include:
 - 5 basement levels containing plant areas, substation, hotel and retail back of house, residential waste areas and services. A loading dock is proposed at basement level 1, and 2x breakthrough panels are proposed per floor for basement levels 2 and 3 for access to 219-227 Elizabeth Street. A Porte Cochere is proposed at ground floor, with entry and exit points on Castlereagh Street.
 - A 13 storey podium at a height of RL69.50 (45m) accommodating hotel and residential lobbies, driveway access to basement, 12 retail tenancies, hotel bar, a diagonal through-site link from Park to Elizabeth Streets and a through-site link from Elizabeth to Castlereagh Streets at ground level. 441 hotel rooms (comprising standard rooms, suites and penthouses) and function spaces within the podium levels, a day spa, wellness pool, sky lobby bar and restaurant at level 11. Level 11 also contains a pool for residents. The podium terrace (level 12) is to accommodate communal indoor and open space for the residential apartments, and apartments.
 - 42 levels of residential apartments (264 apartments in total).
 - Plant, servicing and BMU at levels 53-55.
- Landscaping and public domain improvements, including awnings to all elevations, planters within the southern through-site link, and stair access to Museum Station (from Elizabeth Street).
- Installation of public art at ground level to southern through-site link.

This is an SSDA, delegated to the City of Sydney for assessment and determination by Council and the Central Sydney Planning Committee (CSPC).

2.2 Project components

Table 1 | Key aspects of the project

Aspect	Description
Built form	55 storey tower at a height of RL208.60 / 182.28m, sitting above a 13 storey podium at RL69.60 / 45m. The tower is setback as follows: • North (Park Street) ○ 19.3m to RL141.30 and 16.8m above • South (to 219-227 Elizabeth Street) ○ 23.7m to RL97.21 and 22.1m above • East (Elizabeth Street) ○ 6m to RL97.21 and 4m above • West (Castlereagh Street) ○ 7.1m to RL141.30 and 5.7m above The 13 storey podium seeks to retain the Concept Approval SSD street wall height of 45m / RL 69.80.
Uses	The application proposes the following mix of land uses: Hotel • 441 guest rooms • Function / conference spaces • Pool, day spa, all day dining, bar areas Residential • 264 residential apartments ○ 67 x 1-bedroom ○ 123 x 2-bedroom ○ 58 x 3-bedroom and ○ 16 x 4-bedroom Retail • 12x retail tenancies at ground floor
Gross floor area	57,763sqm (14.81:1) • Hotel accommodation: 26,234sqm • Residential accommodation: 30,517sqm • Retail premises: 1,012sqm

Aspect	Description
Hours of operation	The hotel will operate 24 hours a day, 7 days a week with on-site personnel available and responsible for management of the premises at all times. Hours of operation are not indicated for the retail tenancies, or hotel dining/bar areas.
Access and parking	267 car spaces, 2x SRV and 2x MRV spaces. One-way vehicular access to the Porte Cochere and driveway to basement is provided from Castlereagh Street (north). The exit driveway is located on Castlereagh Street (south). Breakthrough panels are provided within the basement levels for 219-227 Elizabeth Street to maintain vehicular access through the subject site.
Staging	It is expected that the construction of the proposed development will occur in a single stage.
Sustainability targets	• BASIX Energy Score of 63 • BASIX Water Score of 45 • Minimum 40% reduction in embodied emissions and will be fossil fuel-free • 3 Star NABERS Water Rating for Hotel • 5 Star Green Star Buildings v1 rating
Employment	Estimated 844 construction jobs and 310 ongoing operational jobs.

A selection of proposed drawings are provided below.

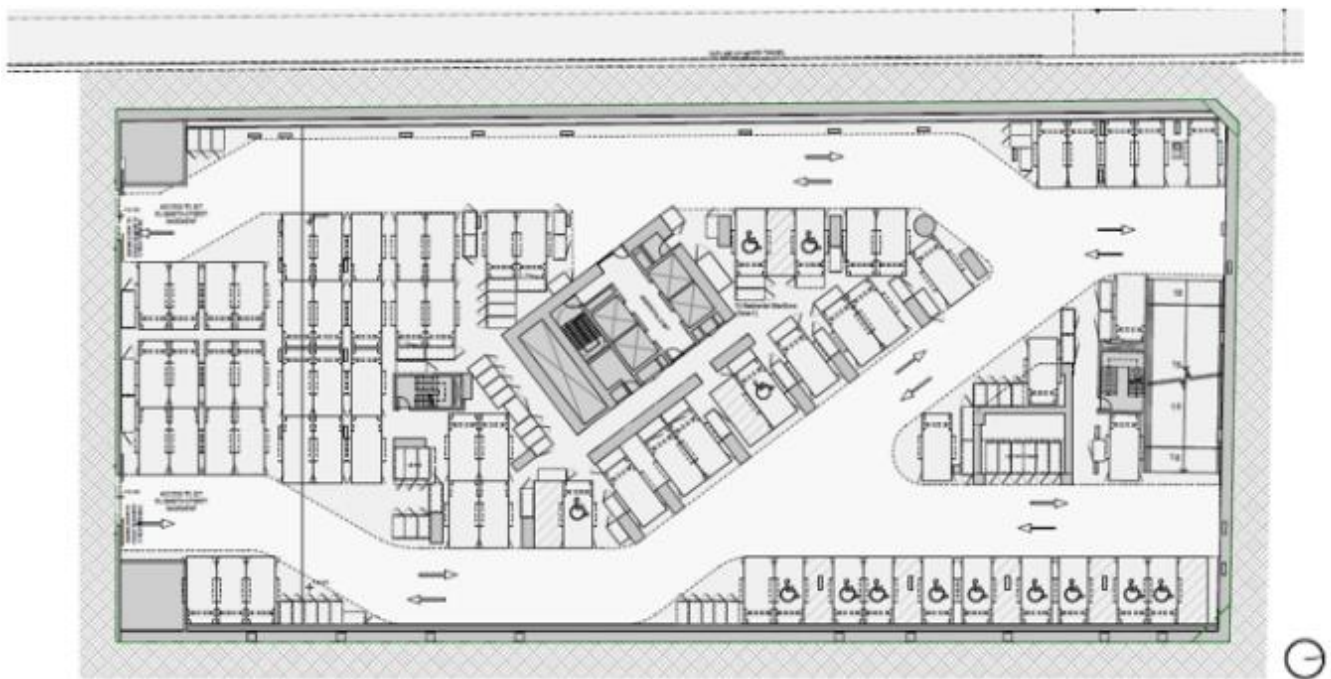


Figure 21 | Proposed basement level 3 (Source: Ethos Urban RtS amended architectural drawings)

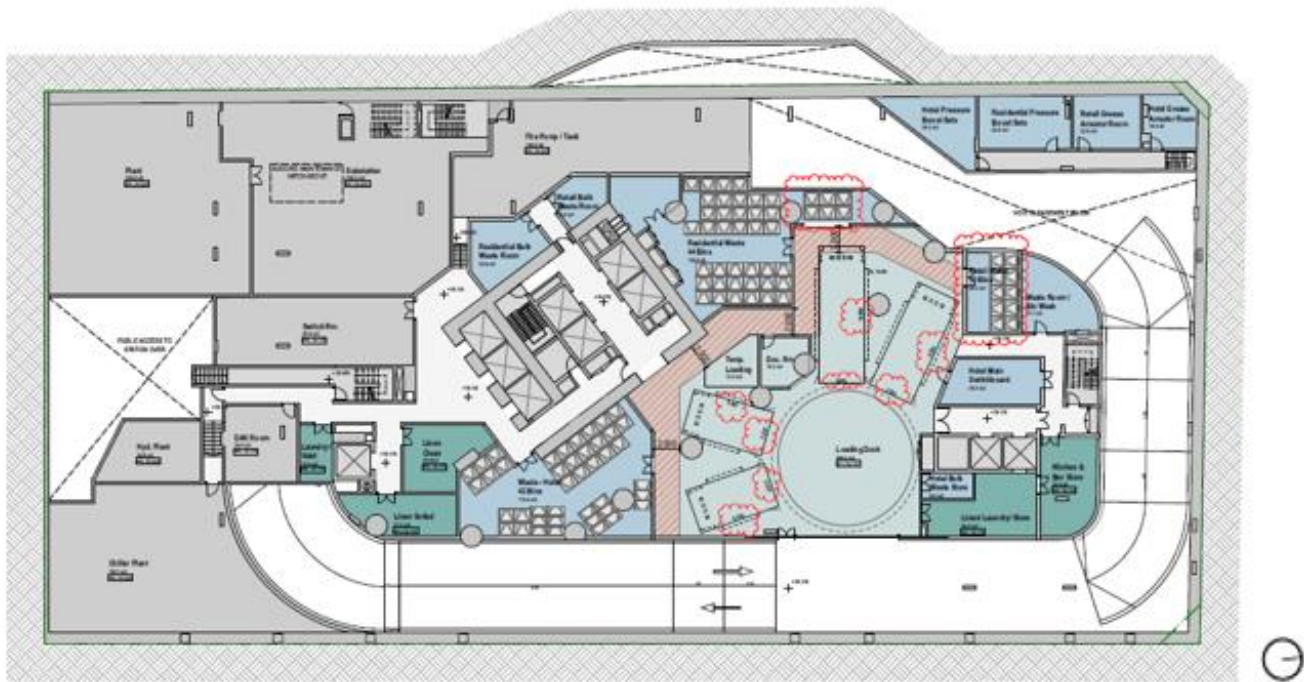


Figure 22 | Proposed basement level 1 (Source: Ethos Urban RtS amended architectural drawings)

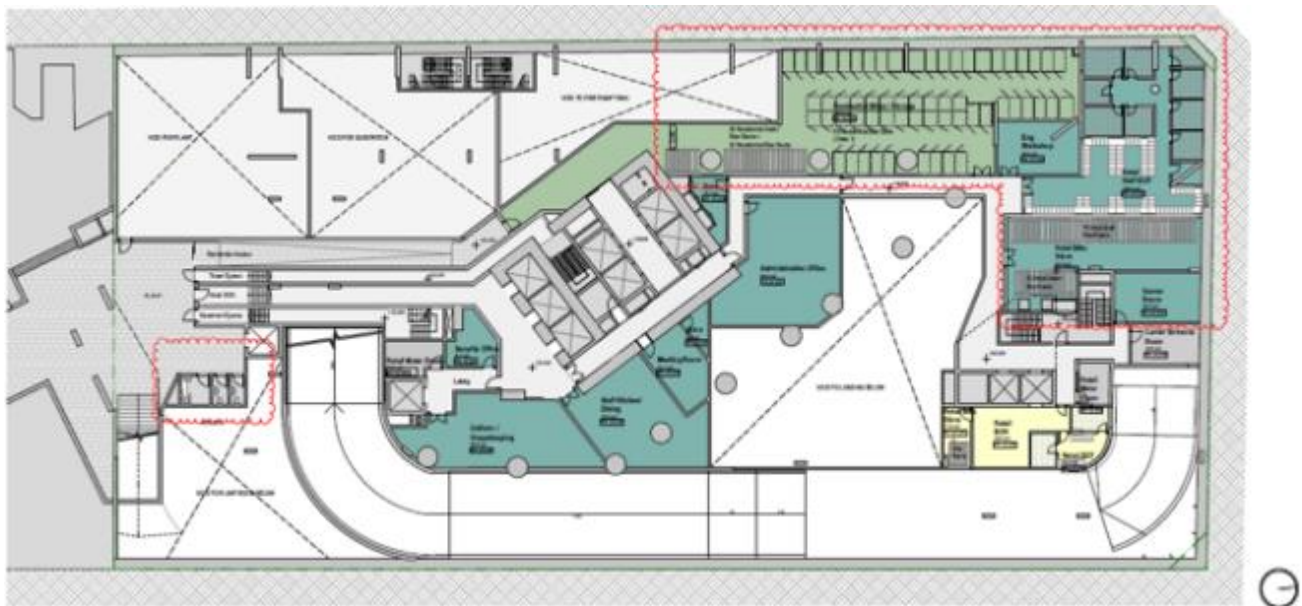


Figure 23 | Proposed lower ground floor (Source: Ethos Urban RtS amended architectural drawings)

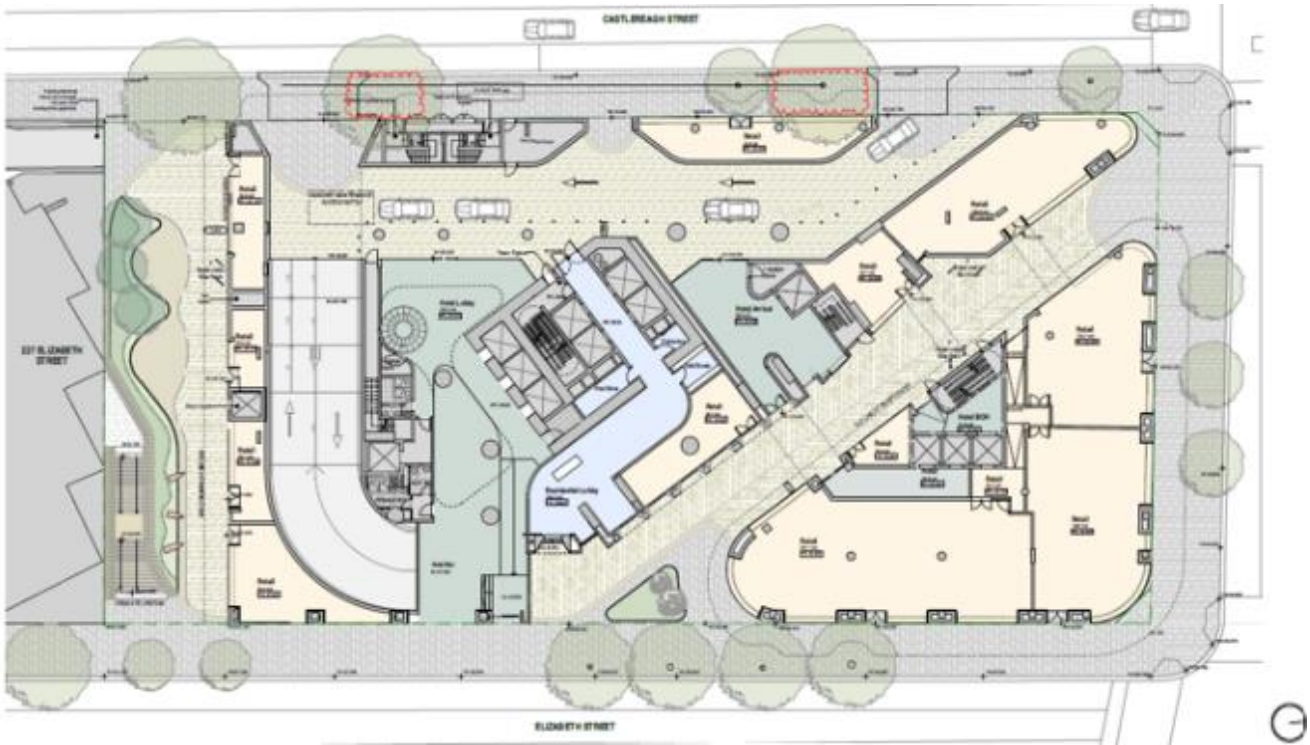


Figure 24 | Proposed ground floor (Source: Ethos Urban RtS amended architectural drawings)



Figure 25 | Proposed level 1 (Source: Ethos Urban RtS amended architectural drawings)



Figure 26 | Proposed level 11 (Source: Ethos Urban RtS amended architectural drawings)



Figure 27 | Proposed level 12 top of podium (Source: Ethos Urban RtS amended architectural drawings)

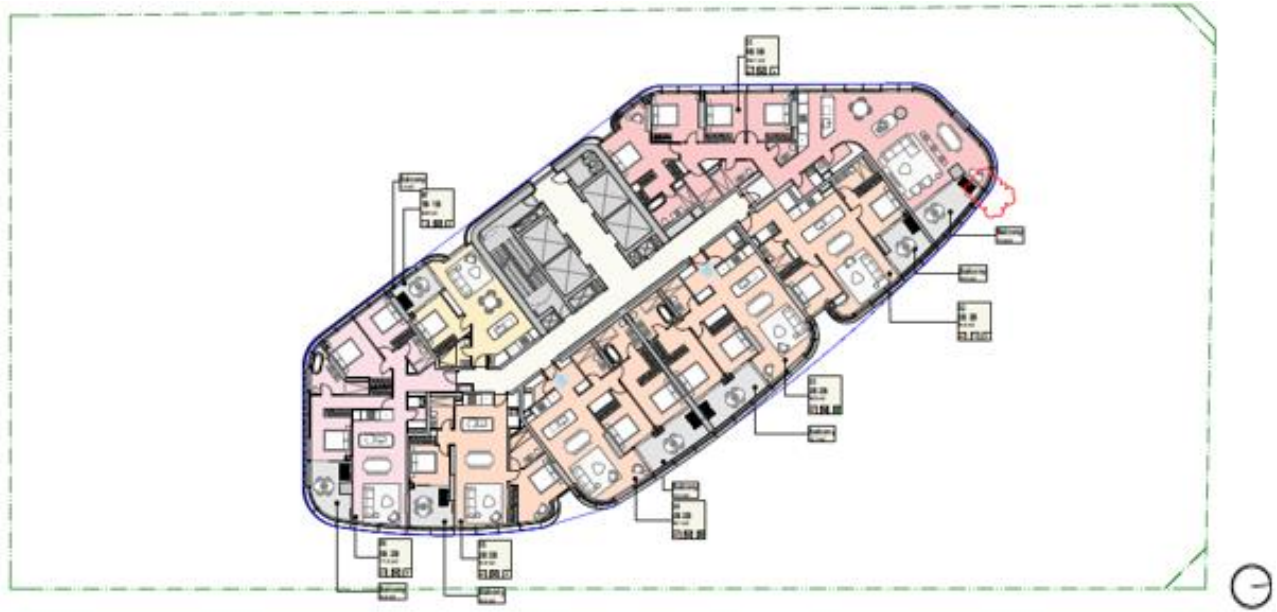


Figure 28 | Proposed typical apartment floor plan (Source: Ethos Urban RtS amended architectural drawings)

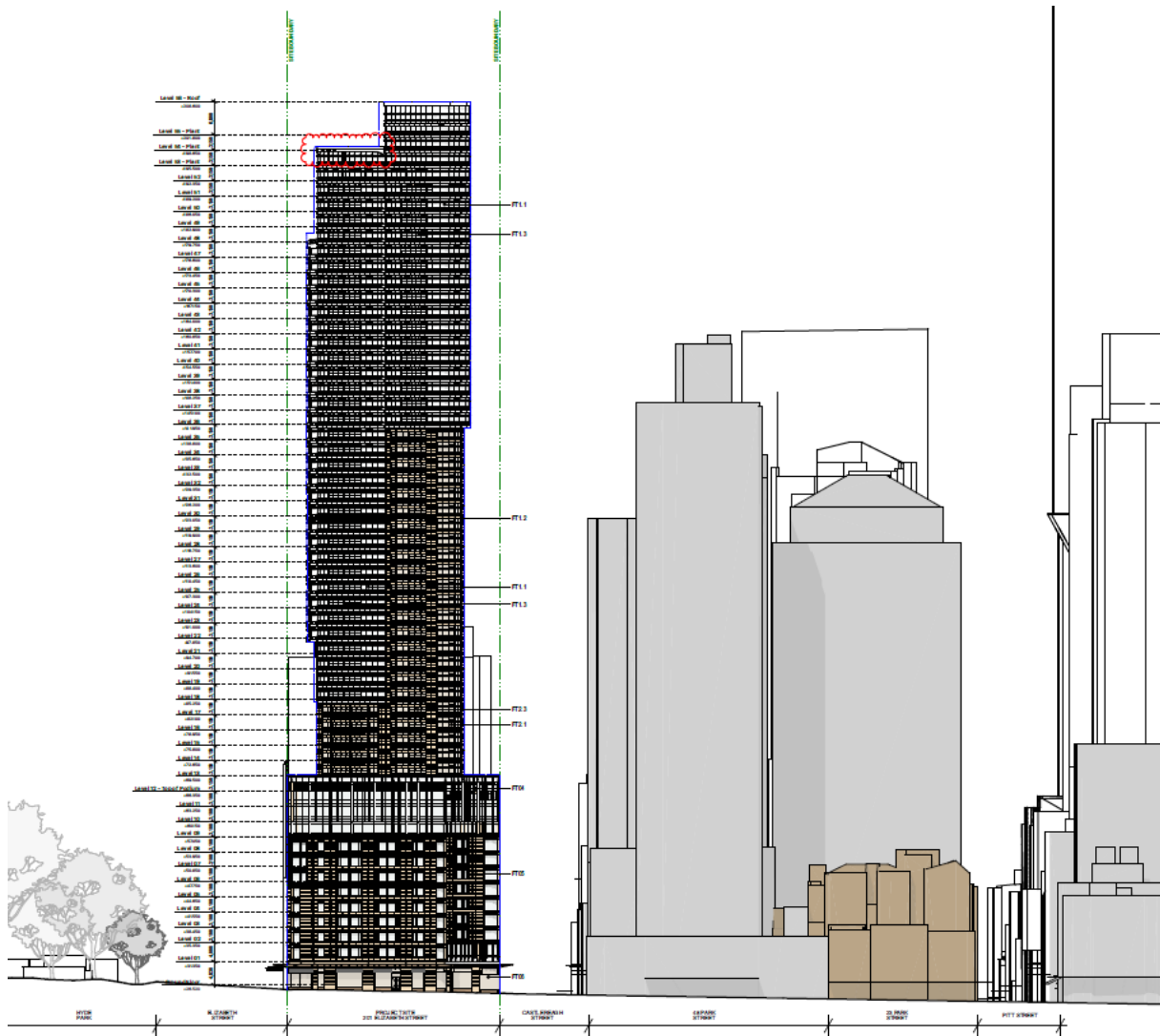


Figure 29 | Proposed north elevation (Source: Ethos Urban RtS amended architectural drawings)

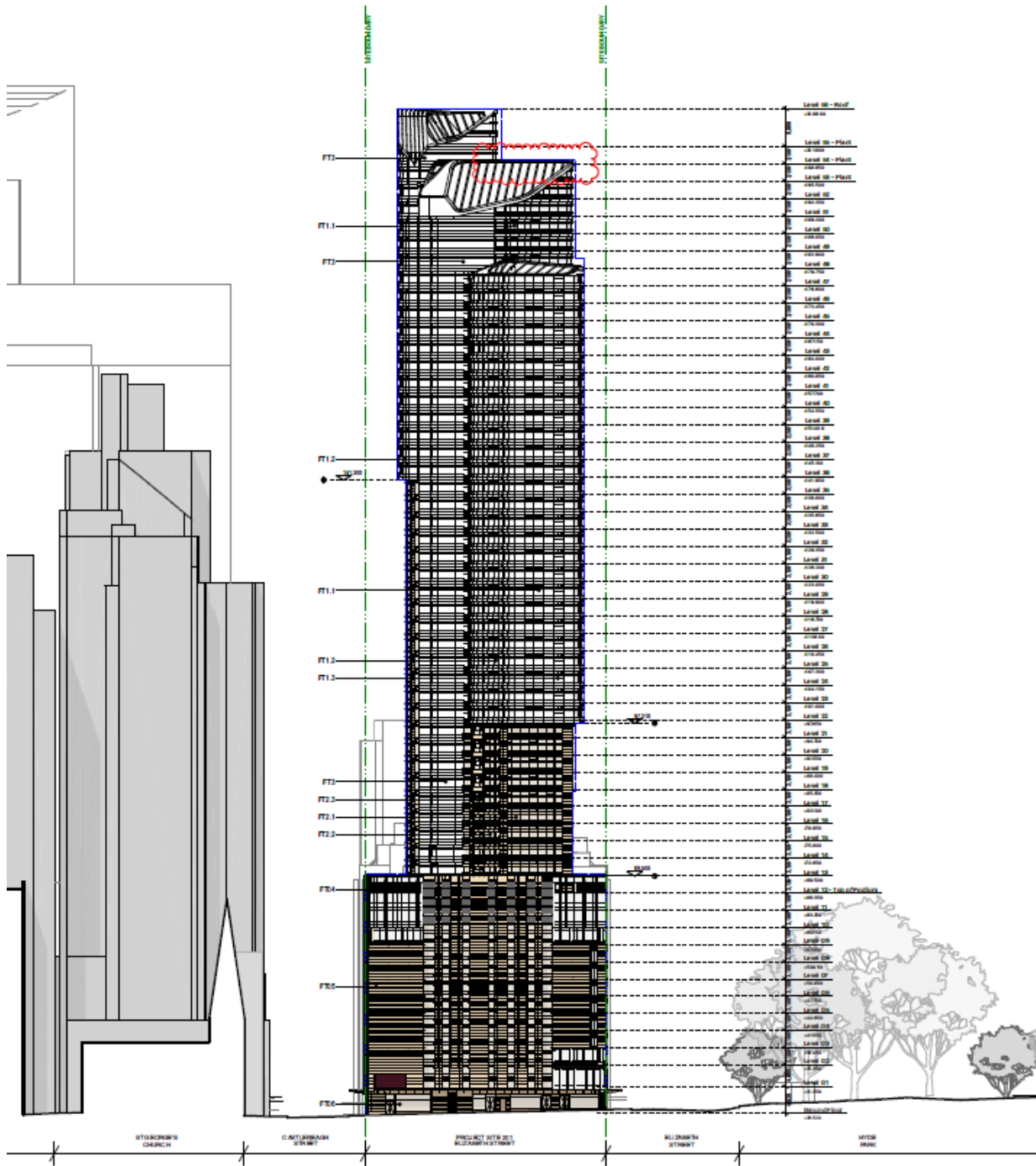


Figure 30 | Proposed south elevation (Source: Ethos Urban RtS amended architectural drawings)

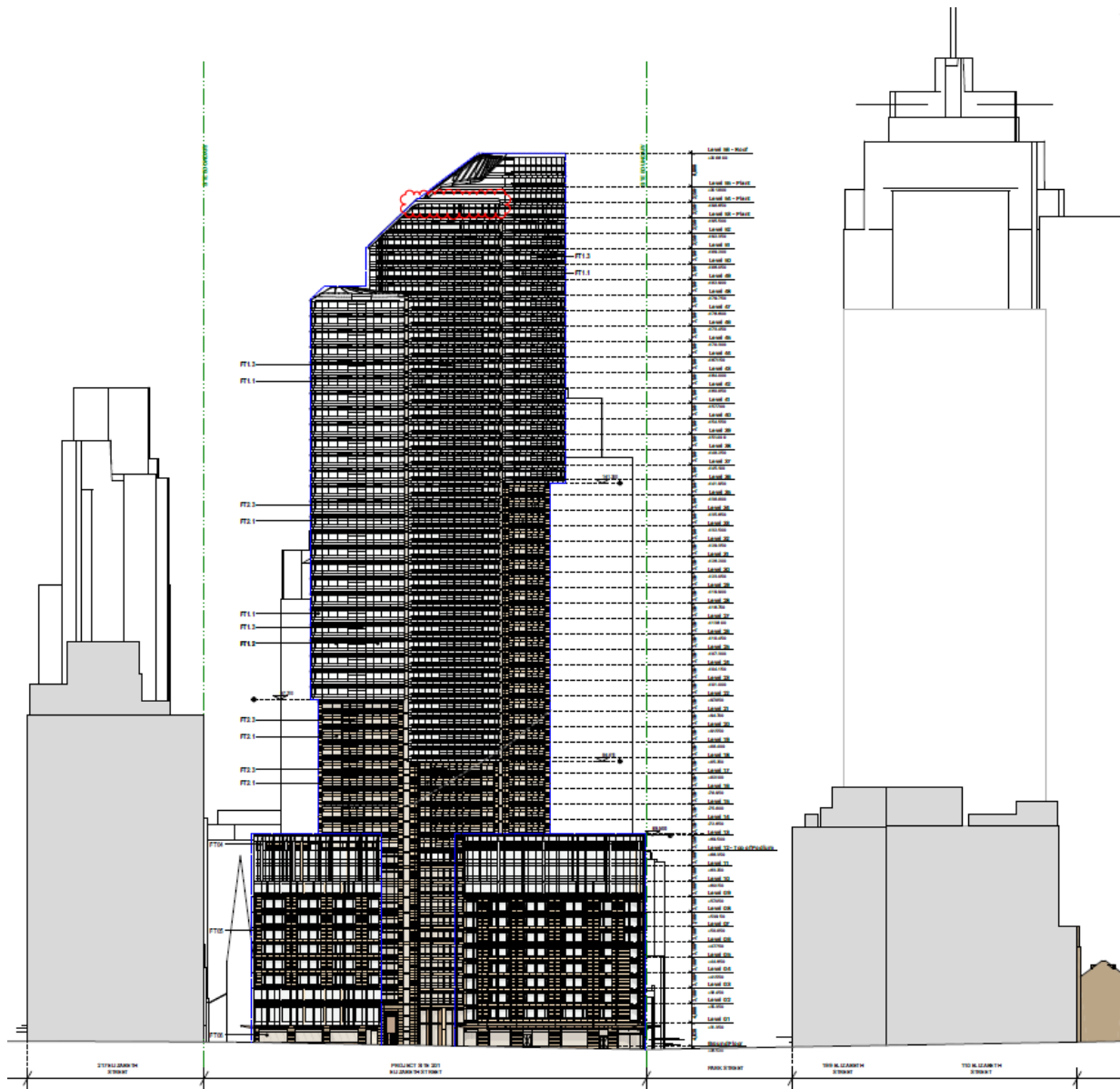


Figure 31 | Proposed east elevation (Source: Ethos Urban RtS amended architectural drawings)

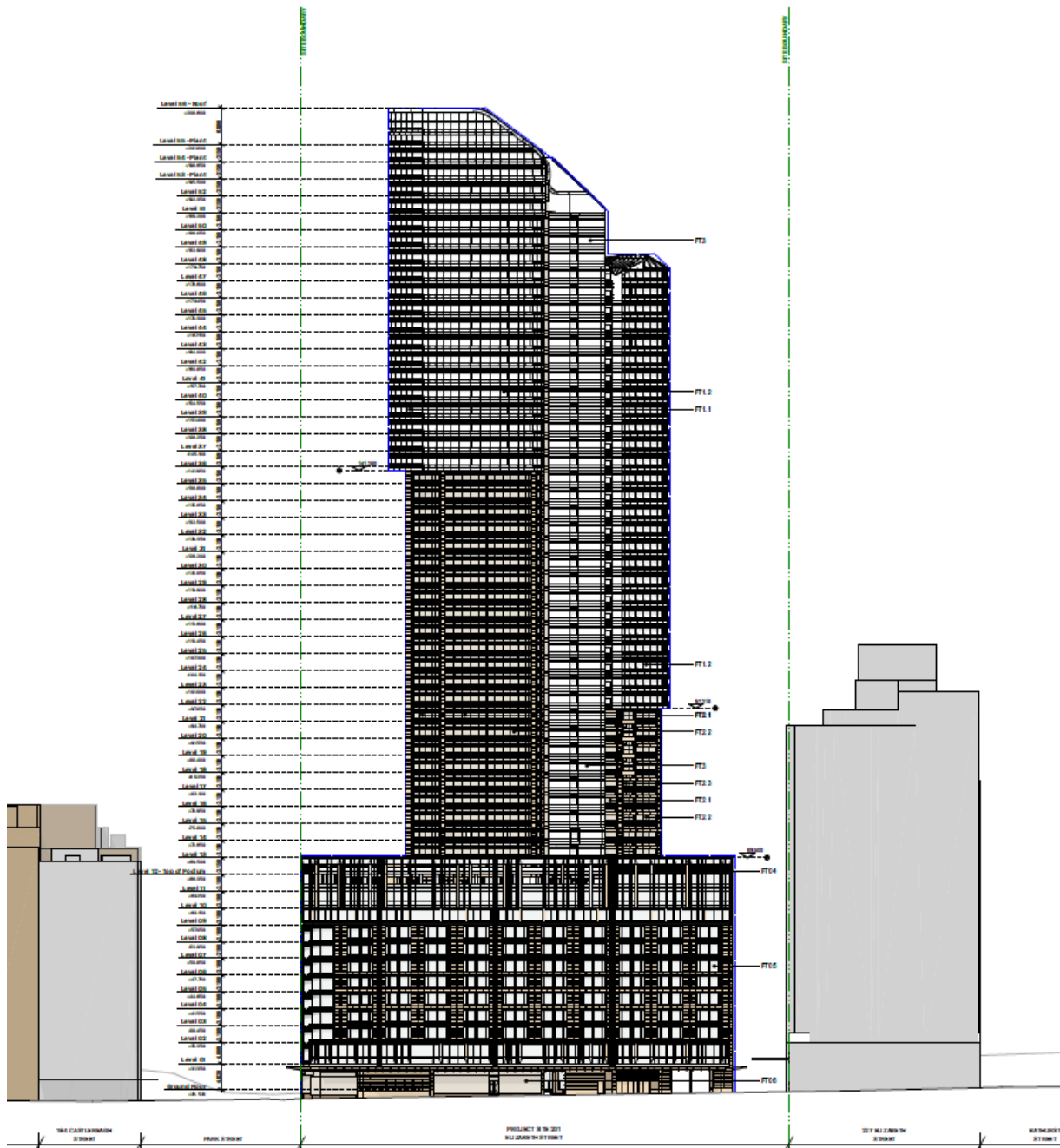


Figure 32 | Proposed west elevation (Source: Ethos Urban RtS amended architectural drawings)

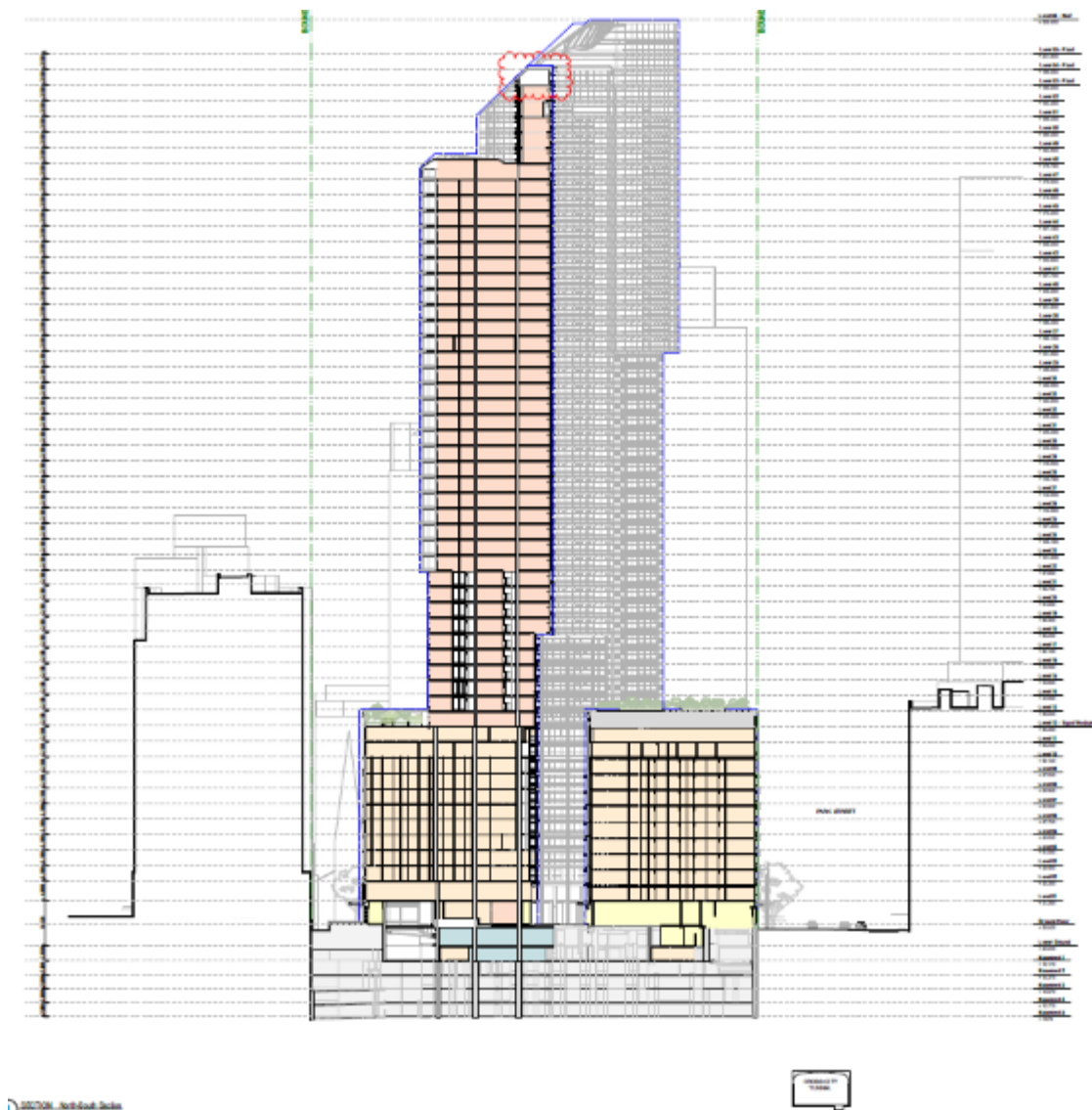


Figure 33 | Proposed section north-south (Source: Ethos Urban RtS amended architectural drawings)



Figure 34 | Proposed photomontage viewed from Elizabeth Street (Source: Ethos Urban EIS – Architectural Design Report)



Figure 35 | Proposed photomontage – viewed from Hyde Park (looking north-west) (Source: Ethos Urban EIS – Architectural Design Report)

3 Strategic context

3.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (Regional Plan) sets out the NSW Government's vision, through the Greater Sydney Commission, for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places." These cities are the Western Parkland City, the Central River City and the Eastern Harbour City.

Ten directions underpin the Regional Plan which focus on infrastructure and collaboration, liveability, productivity, sustainability and implementation. The overall direction of which is to manage population growth and support economic growth and environmental sustainability.

The proposal is consistent with the Directions and Actions of the Regional Plan, as it:

- Provides additional residential accommodation in a highly accessible CBD location.
- Contributes to the diversification of the Harbour CBD's commercial activities, creating a more competitive Harbour CBD.
- Further, the proposal is providing visitor accommodation that is located in the convenient city centre, enhancing tourist attraction to increase Sydney's competitiveness as a travel destination.

3.2 Eastern City District Plan

The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The proposed development is consistent with a number of the priorities of the District Plan, as follows:

- This development is placed to contribute to the '30-minute city' model, by providing a mix of retail and commercial uses in proximity to major transport infrastructure, including the recently completed Gadigal Metro Station. In this regard, the development will help align land use planning and infrastructure planning, improving access to jobs in the heart of the CBD.
- The delivery of additional retail and commercial floorspace will directly contribute to the long-term strength and productivity of the NSW economy by attracting a variety of businesses and contributing to the commercial viability within the region.
- The proposed development will reduce baseload energy consumption, support the use of sustainable transport options, improve the efficient use and reuse of water, and minimise waste. This will be achieved through the integration of sustainability initiatives that ensure superior environmental performance and achieve sustainability targets.

4 Statutory context

4.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in **Table 2** below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The CIV of the hotel component of the development is \$ 348,225,477. By virtue of Section 13 of Schedule 1 of the Planning Systems SEPP, the development is classified as State Significant Development as it comprises tourist and visitor accommodation with a CIV in excess of \$100 million. This has since changed. Further, in accordance with Section 2.6(2) of the Planning Systems SEPP, all parts of a single development application are also declared SSD for the purposes of the EP&A Act. On 7 February 2017, the then Minister for Planning delegated consent authority functions to the City in respect of the original application D/2017/349. On 23 February 2017, Secretary of the Department of Planning and Environment (as it was previously known) delegated responsibility for the assessment of the application (and related functions) to the City.
Permissibility	The site is located within the SP5 – Metropolitan Centre zone under the Sydney LEP 2012. The application proposes the following land uses: • Tourist and visitor accommodation (hotel accommodation) • Residential accommodation • Retail and food and drink premises All proposed land uses, and ancillary land uses associated with the land uses are permissible with consent within the zone.

4.2 Other approvals and authorisations

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.

The City has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (see **Section 5** and **Section 6**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix D**).

4.3 Mandatory matters for consideration

4.3.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development application. These matters could be summarised as:

- The provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements and the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)
- The environmental, social and economic impacts of the development
- The suitability of the site
- Any submissions
- The public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD)

The City has considered all of these matters in its assessment of the application, as well as the Applicant's consideration of environmental planning instruments in its EIS for the application, as summarised in **Section 6**. The City has also considered the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix B**.

4.3.2 Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 31 May 2024. The BDAR Waiver was granted by the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 26 June 2024 and issued by the Department as delegate of the Planning Secretary on 19 July 2024.

5 Engagement

5.1 City's engagement

5.1.1 Public exhibition of the EIS

In accordance with Schedule 1 of the EP&A Act and Section 3 of the City's Community Participation Plan, the City publicly exhibited the application for a minimum of 28 days. The application was exhibited from 29 October 2024 to 27 November 2024. The application was made publicly available on the City's and Department's websites.

The City notified adjoining and surrounding landowners, the Department and relevant Government agencies in writing. All notification and public participation statutory obligations have been satisfied.

The City has considered the comments raised by Government agencies and in public submissions during the assessment of the application (see **Section 6**).

5.1.2 Summary of advice received from government agencies

During the initial exhibition period, the City received a total of six submissions from Government agencies.

A summary of the Government agencies who provided advice is provided in **Table 3**.

Table 3 | Summary of agency advice

Agency	Advice summary
Ausgrid	Standard advice was provided regarding underground services during excavation, proximity to Ausgrid assets and the provision of a substation.
Heritage NSW	Heritage NSW has reviewed the proposal in relation to Aboriginal cultural heritage and has recommended conditions to be included in the proposed conditions of consent.
Civil Aviation Safety Authority (CASA)	The development has a total height of RL208.60 (182.28m). The building penetrates the Obstacle Limitation Surface by 52.6m, constituting a "controlled activity" under Section 182 of the Airports Act 1996. The application was referred to Sydney Airport and approval was granted for the proposed controlled activity, subject to conditions.
Sydney Metro	The proposed development sits above the Sydney Metro – West and Sydney Metro – City & Southwest rail corridors. Sydney Metro has reviewed the proposal and issued their concurrence on 6 June 2025.
Sydney Trains	The site is located in close proximity to Sydney Train City Circle tunnels and access to Museum Railway Station is proposed from the subject site (albeit through the existing access provided by 219-227 Elizabeth Street, Sydney). On

Agency	Advice summary
	14 November 2024, Sydney Trains advised that they had no comment in relation to the proposal.
Sydney Water	Sydney Water provided a response on 10 December 2024, advising that they had no objection subject to conditions, including a Section 73 Compliance Certificate and Building Plan Approval.
Transport for NSW (TfNSW)	The application was referred to TfNSW given the close proximity of basement excavation to the Cross City Tunnel, and as the development is considered to be traffic-generating development (more than 75 residential dwellings with access to Elizabeth Street). On 20 November 2024, TfNSW provided recommended conditions to be incorporated into the conditions of consent for the development. In particular, the applicant is required to have further consultation with TfNSW and Transurban with regard to the impacts on the Cross City Tunnel.
Department of Planning and Environment – Water	The application was referred to the Department of Planning and Environment – Water for comment as the proposed basement excavation will hit the groundwater table. The referral was accepted on 1 December 2024, however no comment was received within the 21 day timeframe.

5.1.3 Summary of public submissions

The City received three (3) submissions¹ during the public exhibition period of the EIS, all of which were unique submissions. Of the submissions received, all were objecting to the proposal raising various areas of concern.

All submissions were made by or on behalf of owners or tenants within buildings located in the immediate vicinity of the subject site. A summary of the submissions is provided below. A link to all submissions in full is provided in **Appendix BA**. A detailed response to public submissions is provided in **Appendix C**.

- Overshadowing to Hyde Park
- Public domain is to be upgraded before additional residential apartments are approved in the area
- Overprovision of hotels in the area, resulting in noise impacts
- Heritage impacts
- Impact to trees
- Lack of loading spaces/zones and parking in surrounding streets

¹ Each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the Planning System SEPP.

- View impacts
- Wind impacts
- Construction impacts
- Reduced property value
- Proposal does not comply with the current provisions of the LEP (height and FSR)

5.1.4 Key issues raised by City staff

The application was referred to internal specialist teams and units, and was presented to the Design Advisory Panel (DAP) who reviewed and commented on the proposal. DAP comments are discussed in **Section 6**.

The following comments and recommendations were made to be addressed as part of any Response to Submissions (RtS):

Architectural Quality and Urban Design

- Review the design of the porte-cochere to relieve pedestrian pinch points
- Reduction in the width of the awning of the diagonal through-site link
- Redesign of the southern through-site link to ensure views to St Georges Church are maintained, and simplify the landscape design in this area
- Ensure retention of all street trees, and design awnings to accommodate trees
- Expansive glazing to podium to be redesigned, including bringing back the upper level and former ballroom level floor to floor glazing band proportions of the competition scheme
- Revert back to the use of terracotta cladding in the materials expression of the tower
- Additional information about the proposed Building Maintenance Unit
- A ventilation report to be submitted for the residential apartments to determine the size of the vertical plenums.
- Awning windows are to be located in plan and demonstrate that, along with the sliding doors, are capable of delivering 5% of the floor area served to the habitable rooms
- Confirm use of Yellow block sandstone as part of the podium
- Provide operable windows to the hotel rooms to ensure comfortable indoor conditions despite power failure.
- Additional suns eye views to determine solar access to surrounding residential developments

Tree Management

- Trees 3 and 4 on Castlereagh Street are to be retained, with an updated Arborist report confirming pruning requirements

Landscape

- Update drawings to include slab levels, soil volumes, wind tunnel testing results with mitigation measures for the accessible terraces

- Consider opportunity for the communal open space on the southeastern corner of level 12 to be designed to utilise views towards Hyde Park

Public Domain

- Additional flooding and stormwater information

Access and Transport

- Update traffic modelling, provide swept path analysis, loading dock management plan and green travel plan
- Increase the number of service vehicle parking spaces

Cleansing and Waste

- Ensure clearance around waste truck in loading dock complies with minimum requirements
- Submit a revised operational waste management plan

Public Art

- Submit an updated Preliminary Public Art Plan

3D CAD Model

- Review discrepancies with the submitted 3D CAD Model

5.2 Response to submissions

Following the public exhibition period, the City asked the applicant to respond to the issues raised in submissions, the advice received from government agencies and issues raised by City staff. The applicant provided a Response to Submissions (RtS) report to the City on 20 February 2025.

The City published the submissions report on the NSW Planning Portal and forwarded the submissions report to relevant government agencies for comment.

The report and its attachments were not advertised as it did not provide for any significant changes to the proposal that would warrant re-exhibition. Only minor amendments which would result in reduced impacts were proposed, including:

- Changes to the porte-cochere at ground floor to prioritise pedestrian amenity
- Provision of awnings to the through-site links in line with DAP comments
- Details on proposed materials, finishes and glazing
- Further analysis of wind impacts, and mitigation measures contained within the envelope previously notified (with no impact on views, privacy or solar access)
- Swept path analysis
- All street trees being retained (with cut-outs to street awnings)
- Revised landscape plans
- Revised waste management plan
- Revised preliminary public art plan

6 Assessment

6.1 Key issues

The City has considered the proposal, the issues raised in submissions and the Applicant's RtS. The City considers the key issues with the proposal are:

- Consistency with Concept Approval
- Design excellence
 - Competitive Design Process Panel Recommendations
 - Design Advisory Panel
- Height
 - Setbacks
 - Solar access
 - View impacts
 - Wind impacts
- Through-site links
- Street trees and awnings

Each of these key issues are discussed in the following sections of the report. The City's consideration of other issues relating to this application are addressed in **Section 6.5**

6.2 Consistency with Concept Approval D/2017/349 (as amended)

Pursuant to Section 4.24(2) of the Environmental Planning and Assessment Act 1979, where a concept development application for a site remains in force, a determination of any further development application in respect to that site cannot be inconsistent with the concept development consent.

The concept approval relating to this proposal is D/2017/349. A section 4.55(2) modification application has been submitted to modify the concept approval to ensure consistency with the subject Detailed Design SSDA. These modifications largely relate to height and building envelope setbacks and have been assessed as acceptable, as outlined in the assessment report for D/2017/349/A submitted concurrently with this application. The subject application is assessed on the basis that the modification application has been approved.

As outlined below, the detailed design proposal is consistent with the key conditions imposed on the concept development consent as modified, and the consent authority is satisfied that the development is substantially the same.

Table 4 | Key conditions of consent – D/2017/349

Condition	Response
Part A – Deferred Commencement Conditions	
(1) Vehicular Access	The proposal provides vehicular access for private vehicles, hotel guests, servicing and loading, as well as pick-up/drop-off and access for a Council waste truck from Castlereagh Street, with all activities to occur within the site. Access for 219-227 Elizabeth Street is also maintained via breakthrough panels at basement level. Documentation has been provided with the SSDA with regard to loading dock management, traffic modelling and swept path analysis for all the required activities to occur on-site. Vehicular arrangements have been reviewed by City staff and TfNSW and are considered appropriate, subject to conditions.
(2) Modification of Envelope	The proposal maintains the 17m setback from the northern boundary above the podium between RL 69.89 and RL 76.00.
Part B – Conditions of Consent	
(3) Building Height	This condition is to be amended by the Concept Modification SSDA, resulting in a maximum building height of RL208.60. The proposal relies on savings provisions contained in Clause 1.8A(5)(b)(ii) of the Sydney LEP 2012 in relation to height. This is discussed in Section 6.4 of this report.
(5) Floor Space Ratio – Central Sydney	The proposal complies with the maximum permitted FSR for the site, including accommodation floor space bonuses and the 10% additional floor space pursuant to Clause 6.21D of the Sydney LEP 2012. The proposal relies on savings provisions contained in Clause 1.8A(6)(b) and the permitted accommodation floor space for residential development contained in Clause 6.4(1A) of the Sydney LEP 2012. This is discussed in Appendix B. A condition relating to the purchase of heritage floor space is recommended.

Condition	Response
(6) Design Excellence and Competitive Design Process	The proposal has been the subject of a competitive design process, conducted in accordance with the condition. The proposal is closely based on the winning scheme by FJC Studio. The development is considered to achieve design excellence, satisfying Clause 6.21C of the Sydney LEP 2012 as discussed in Section 6.3 of this report.
(7) Subsequent detailed design to be contained within approved envelope	The changes to the envelope have been assessed in this report and as part of D/2017/349/A and are acceptable.
(8) Floor to ceiling levels	The proposal meets minimum floor to ceiling heights contained in the planning controls.
(9) Sun access modelling	Sun access modelling has been provided with the SSDA, demonstrating that Hyde Park will achieve a 51% reduction in overshadowing as a result of the proposal. This is discussed in further detail under Section 6.4.
(10) Wind impact assessment	The proposal is accompanied by a wind impact assessment, demonstrating that the development will result in improved conditions within the public domain when compared to the Concept Approval. Appropriate mitigation measures have also been incorporated into the proposal.
(11) Detailed design of building	(a) all structures and landscaping within the podium terrace (RL69.60) have been located so that they do not interfere with view sharing or privacy of adjoining residential developments such as 27 Park Street and 197 Castlereagh Street. (b) The proposal has demonstrated a compatible response to the surrounding area in terms of façade treatments, articulation, massing and architectural character. (c) The proposal is accompanied by podium studies demonstrating that the length and height of the podium along Elizabeth Street and Castlereagh Street are in keeping with surrounding development. (d) The podium is setback at the southern elevation by with a minimum width of 6.4m at ground floor between

Condition	Response
	the planters and awning, which widens to 8.7m and 10.8m as the southern through-site link progresses from Elizabeth Street to Castlereagh Street. It is considered that the proposed through-site link, and setbacks ensure significant views and solar access to the façade of St Georges Church at 201A Castlereagh Street are maintained. (e) The proposal incorporates 'Yellow block' sandstone into the materiality of the base of the podium. (f) The tower is appropriately articulated to ameliorate wind impacts at street level and within the public domain, as per the wind impact assessment provided with the SSDA. (g) The application proposes 2x through-site links. The through-site links have been designed to provide adequate, unrestricted public access, as required by the Sydney DCP 2012. (h) This subsection has been amended by the Concept Modification SSD with regard to the location of awnings. Awnings are proposed to all street frontages (including Elizabeth Street) and have been assessed as acceptable. (i) All street trees surrounding the site are proposed to be retained. (j) The SSDA has demonstrated that the development achieves acceptable solar access to apartments as required by the ADG. This is discussed under Appendix B. (k) The application proposes sun shading to the tower to ensure that glazing is protected from mid-summer sunlight.
(12) Residential land use	The proposal has been designed so that it is generally consistent with the relevant planning controls in relation to the residential land use. This includes the Housing SEPP and the ADG, as discussed in Appendix B.
(13) Residential acoustic amenity	The proposal is accompanied by an acoustic report addressing the use of plenums.
(14) Communal open space	The proposal exceeds the 25% ADG requirement for communal open space area.

Condition	Response
(15) Hotel use	A plan of management accompanies the SSDA for the hotel use.
(17) Reflectivity	A solar reflectivity analysis is provided with the SSDA. A condition is recommended to ensure reflectivity does not exceed 20%.
(18) Landscaping of the site	A detailed landscape plan has been submitted with the proposal. Conditions are recommended relating to technical details being submitted for review.
(19) Outline heritage interpretation strategy – non standard	An outline interpretation strategy for the site has been submitted with the SSDA. A condition is recommended for an interpretation plan to be submitted to Council prior to a construction certificate being issued and implemented prior to an occupation certificate.
(20) Public art	A Preliminary Public Art Plan has been submitted with the subject application. The Preliminary Public Art Plan has been reviewed by the City's Public Art team, who have recommended that minor updates be made to the plan after the Applicant attends the City's Public Art Advisory Panel. A condition is recommended to require an updated Preliminary Public Art Plan and a Detailed Public Art Plan to be developed prior to the commencement of above ground works, and to require the installation of public art prior to the occupation of the development.
(21) Ecologically sustainable development	An ESD strategy has been submitted with the subject application in accordance this condition.
(22) Waste and Recycling Management (23) Waste facilities	A waste management plan has been submitted with the subject application as required by this condition. Additionally, the development has been designed to accommodate a 10.6m Council waste truck.
(24) Public Domain concept plan	A public domain concept plan has been submitted with the application. Appropriate conditions are recommended to require alignment levels and detailed public domain plans to be approved by the City's Public Domain Unit prior to the issue of any construction certificate.

Condition	Response
(25) Existing rights of footway and carriageway	The application indicates that the existing rights and easements are to be maintained as a result of the proposal. Appropriate conditions are recommended relating to the breakthrough panels for 219-227 Elizabeth Street.
(26) Flooding (27) Stormwater and Drainage – Major Development	A flood assessment report has been submitted demonstrating that entry and floor levels along all street frontages are compliant with the City's Interim Flood Policy. A MUSIC-link report and the MUSIC model have been provided as part of the stormwater quality assessment and are acceptable.
(28) Land contamination (29) Underground petroleum storage system (UPSS)	A Detailed Site Investigation report and Remediation Action Plan have been submitted with the application, detailing the location, decommissioning and proposed removal of the UPSS. Relevant conditions relating to contamination, as recommended by the City's Environmental Health Unit, are included in Attachment D .
(30) Traffic generation (31) On site loading areas and operation (32) Service vehicles (33) Bicycle parking and end of trip facilities (34) Car share spaces (35) Loading Dock Management Plan	A traffic impact assessment has been submitted in accordance with this condition. It is recommended that a condition is recommended in Appendix D to require a final loading dock management plan to be approved by the City prior to the occupation of the development, and the approved management plan to be implemented. All loading and unloading is to occur within the confines of the site. A swept path analysis has been submitted with the application in relation to the loading area design, demonstrating that a Council waste truck is able to enter the site to collect waste. Four car share spaces are proposed. Conditions are recommended relating to use and management.
(36) Construction Pedestrian and Traffic Management Plan - (TfNSW)	A preliminary Construction Pedestrian and Traffic Management Plan has been submitted with the application. TfNSW has reviewed the information provided and recommended appropriate conditions.
(37) Consultation with Sydney Metro – (TfNSW)	The application has been referred to Sydney Metro as the development is located above Sydney Metro tunnels. Concurrence was issued on 6 June 2025, with conditions recommended.

Condition	Response
(38) Cross City Tunnel (39) Consultation with Transurban CCT	The application has been referred to TfNSW who has consulted with Transurban. Conditions have been recommended.
(40) Ausgrid	The application has been referred to Ausgrid who raise no objection to the development, subject to conditions.
(41) Demolition, Excavation and Construction Noise and Vibration Management Plan	A preliminary Demolition, Excavation and Construction Noise and Vibration Management Plan has been submitted. A condition is recommended for an updated management plan to be provided to and approved by Council prior to the commencement of any works.
(42) Access and facilities for persons with disabilities	An accessibility report has been submitted with the subject application as required by this condition. Conditions are recommended to ensure its recommendations are carried through to the certification, construction, and operational phases of the development.
(43) Street trees	An Arboricultural Impact Appraisal and Method Statement has been submitted with the application in relation to the street trees. All street trees are proposed for retention.

6.3 Design excellence

The applicant has undertaken a competitive design process in September 2018 to December 2018, with the preferred design by FJC Studio (previously FJMT). In the opinion of the panel, this scheme was most capable of achieving design excellence, as per clause 6.21C of the SLEP 2012 and the competition brief requirements.

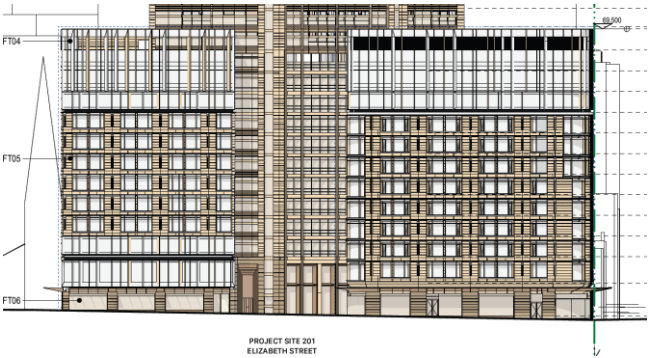
The selection panel identified a range of matters that needed to be resolved during the design development phase in order to achieve Design Excellence while maintaining the original design intent.

The proposal was also considered by the City's Design Advisory Panel (DAP) as part of the assessment process on 12 December 2024.

The following is an outline of the recommendations of both the selection panel and DAP, and the proposed design response.

6.3.1 Competitive Design Process Panel Recommendations

Table 5 | Selection Panel Recommendations

Selection Panel Recommendation	Response
Podium expression: Whilst the jury appreciates the contextual study of Elizabeth Street the podium façades are considered to be an over-articulated filigree, which detracts from the intent and principles established in the study. The local precedents contained within the design report present a calmer face to Elizabeth Street, and a stronger sense of a substantial podium wall. The podium façade and its ordering grid could be simplified to provide more legibility and external expression of the hotel uses contained within, such as giving stronger presence to the ballroom.	The applicant has submitted further studies of street wall heights for all frontages to demonstrate that the existing 45m street wall height datum is maintained by the proposal. For Elizabeth Street in particular, the proposed podium expression has been refined so that it is simplified in design, creating a strong rhythmic articulation and emphasises a clearer, more legible external expression of the hotel's uses. The ballroom has been amended during the assessment process so that it has increased in height to enhance the facade's proportions and alignment. The proposed changes to the façade are considered acceptable.  Figure 36 Design competition scheme – Elizabeth Street podium (Source: FJMT)  Figure 37 Proposed Elizabeth Street podium (Source: Ethos Urban RtS – Amended Architectural Drawings)
Hotel operation: The hotel planning requires a fundamental review to ensure that efficient access and functional operations can be achieved on every floor from a common core.	The layout of hotel rooms have been modified to allow for efficient access on every floor from a common core.

Selection Panel Recommendation	Response
Hotel rooms: Internal facing hotel rooms (as proposed in 'Anzac Memorial Arcade') should be minimised or preferably avoided entirely. The proposed extent of natural light and air to common access corridors in the hotel should be maintained or improved where possible.	Hotels within the through-site link have been re-oriented towards Hyde Park, with greater natural light penetration into the podium.
Tower expression: Whilst the horizontal and vertical articulation of the tower is supported; the terracotta horizontal elements need to be reviewed to ensure the visual appeal of the tower is not lost while the expansive views from apartments are optimised. In addition to this, the Jury recommends that the vertical slots between the three parts of the tower are further accentuated in plan and detail to ensure that the clear articulation suggested in the photomontages is evident in the built work.	The extent of the sunshade has been rationalised to ensure that city views are adequately maintained. The vertical slots within the tri-partite form of the tower are adequately expressed in the design. During the assessment of the application, City staff requested that the upper levels of the tower increase the amount of sun shading provided. The sun shading proposed has now increased in depth and height with a maximum spacing of 1.5m and depth of 300mm (from 120mm). It is noted, however, that the proposal uses aluminium cladding with a mineral paint finish similar to terracotta. It is preferred that the proposal use terracotta, as it is preferable to have a finish and material that are integral to ensure minimal maintenance in the future. A condition is recommended for updated materials and finishes to be submitted, including the use of terracotta cladding.
The jury notes that the winning scheme exceeds the maximum height of the approved building envelope. This variation to the building envelope may be supported by the jury if it can be demonstrated that the tower form results in an improved shadow reduction to Hyde Park and does not result in view loss to surrounding residential buildings beyond that considered in the Concept DA.	As discussed in detail within this report and the concurrent modification report, the height variation to the building envelope is supported. The proposal has demonstrated that the tower form results in an improved shadow reduction to Hyde Park, and view impacts are considered to be minor when compared to the Concept SSD Approval.

6.3.2 Design Advisory Panel (DAP)

Table 6 | Design Advisory Panel Recommendations

Panel Recommendation	Response
The DAP recommended amendment of structural column locations or changes to the porte-cochere geometry to relieve ground floor pedestrian pinch points. Treating the porte-cochere and adjacent footpaths as a flush shared zone environment could	This recommendation has been incorporated into the design. The porte-cochere design has been updated to remove the raised kerb to increase pedestrian amenity of these

Panel Recommendation	Response
help provide better quality and less congested pedestrian circulation.	arrival circulation spaces. In order to separate vehicular and pedestrian movements, a series of bollards (2m centre-centre) have been proposed. The flush path for pedestrians has a minimum width of 1.2m.
The DAP noted the loss of a direct connection through the residential lobby between Castlereagh Street and the diagonal through-site link (per the competition scheme). However, it suggested the introduction of a dogleg is not necessarily a bad outcome, making the residential lobby more private.	Noted. The residential lobby has not been relocated, allowing privacy for residents.
The DAP recommended retention of existing street trees opposite St Georges Church. With careful and judicious pruning, partial views of the church from the southern through-site link can be created, while retaining the amenity and greening benefits the trees provide.	The existing street trees on Castlereagh Street (T3 and T4) are to be retained as recommended by DAP.
The DAP noted views through the site to the Anzac memorial have not been achieved, but the pedestrian route prospect to Hyde Park that has been provided is convincing.	Noted.
It was noted the diagonal through-site link awning is necessary for mitigation of wind impacts. The Panel recommended that the width of that awning be reduced as much as possible and only provided on the eastern side of the link. To mitigate wind on the western side of the diagonal through-site link, doors will need to be recessed.	The awning within the diagonal through-site link has been reduced to 1m in width and provided on the eastern side only. A revised wind impact statement has been provided, noting that wind comfort levels are acceptable as a result of the reduced width.
The DAP supported a continuous awing along Elizabeth Street, however recommended the prioritisation of tree retention/ provision. Awnings need to offer weather protection while being profiled to accommodate the trees.	The awning to Elizabeth Street has been amended to provide cut-outs (minimum 1.5m from the tree trunk) where it conflicts with street trees, striking a suitable balance with weather protection.
In the southern through-site link, the DAP supports a reduction in the depth of awnings to approximately 2m or bare minimum to reduce impact on the vista to the church. The DAP also supported provision of a single lift and stairs rather than escalators.	Noted. The awning to the southern through-site link has been reduced to 2m to reduce impact on the vista to St Georges Church.
The DAP recommended simplification of the southern through-site link's landscape proposal per the original competition entry and questioned whether a First	The planters within the through-site link have been reduced to provide a simplified design. First Nations

Panel Recommendation	Response
Nations consultant was used in the development of the scheme.	consultants have been used as part of the Public Art Strategy in particular.
The DAP supports simplification of the podium's architectural expression, however noted the expansive glazing on the podium's upper levels and questioned the thermal loading, given the spaces behind are habitable. Solar protection/ external shading will be required and needs further resolution	The proposed façade design has been refined to improve on solar access outcomes and shading control as well as enhance architectural articulation. It now ensures that the maximum spacing between vertical sunshades does not exceed 1.7m, resulting in optimizing shading performance whilst maintaining a balanced interplay of light and shadow.
The upper level and former ballroom level floor to floor glazing band proportions were more successful in the competition scheme, than the new proposal – this would benefit from further refinement including setting back the plant room facades	The ballroom expression has been increased in height to enhance the facade's proportions and alignment and is considered acceptable.
The DAP prefers and supports the original competition tower expression and its use of terracotta cladding, provided that the detailing ensures cladding is securely fixed. It also supports use of terracotta scheme based on the embodied energy of terracotta when compared to GRC.	The lower tower curtain wall design has been adjusted to be more consistent with the expression of the Design Competition scheme. The applicant has noted, however, that the Design Competition scheme proposed "ribbed terracotta cladding or similar". The spandrel zone will be profiled aluminium cladding to maintain visual consistency with the sunshade, with a mineral paint finish to ensure a textured appearance of the aluminium similar to that of terracotta. As discussed, it is recommended that the proposal provide terracotta cladding rather than aluminium with a mineral paint finish. An appropriate condition is recommended requiring an updated submission of the materials and samples board, and schedule keyed to the elevation drawings.
The use of sandstone at the base of the building is supported in keeping with other buildings in the precinct.	Noted. This element is retained as part of the amended scheme.
Glass samples will need to be prototyped to ensure excessively dark glass is avoided.	Noted. A condition is recommended for materials and samples to be keyed to each elevation and physical samples to be provided.

The amended proposal is considered to have satisfactorily addressed comments and concerns raised by the Selection Panel and DAP as outlined above and retains to the design integrity and key aspects of the winning scheme. The proposal is considered to satisfy the provisions of clause 6.21D of the Sydney LEP 2012 and accordingly is eligible for 10 per cent additional floor space ratio pursuant to subclause 3(b).

6.4 Height

As detailed in the separate report for the concurrent modification application, the Sydney LEP 2012 identifies the site as 'Area 3' under clause 4.3 'Building height'; therefore, no maximum height is shown for this land. Instead, the maximum height is determined by the Hyde Park sun access planes that are taken to extend over the land by Clause 6.17.

The approved Concept SSD (D/2017/349) relied on the now repealed Clause 6.18(1)(b) and (c) of the Sydney LEP 2012 'Exception to sun access planes' which allowed development to exceed the Hyde Park sun access plane if certain criteria were met:

- (1) (b) *The parts of the building that project higher than the sun access plane are on category B land that adjoins category A land and will not exceed the height of an existing building on category A land;*
- (c) *The parts of the building that project higher than the sun access plane are on category A land and will result in at least a 50% reduction in the overshadowing on land at Belmore Park, Hyde Park or Wynyard Park (as shown on the Sun Access Protection Map) between 12.00 and 14.00 on 21 June in each year, caused by all buildings on the site of the proposed development.*

The Concept SSD exceeded the Hyde Park West sun access plane and the height of the existing building, and did not satisfy the above criteria under Clause 6.18(1)(b) of the Sydney LEP 2012 at the time of assessment for exceptions to sun access planes and was partly prohibited. This is because the approved building envelope exceeded the Hyde Park West sun access plane and the height of the existing building.

Notwithstanding, clause 4.38(3) of the EP&A Act (then clause 89E(3)) allows for development consent to be granted for an SSD despite the development being partially prohibited by an EPI. The applicant was able to demonstrate the Concept SSDA resulted in a 50% reduction in shadows cast on Hyde Park between 12.00 and 14.00 on 21 June in accordance with subsection (1)(c) and was considered to achieve the intent of Clause 6.18.

Clause 6.18 'Exceptions to sun access planes' was repealed on 26 November 2021. Clause 6.17(2) 'Sun access planes' states that development consent cannot be granted to a development that breaches the sun access plane. The consent authority, however, has the power to approve the Detailed Design SSDA despite the prohibition as it relies upon a Concept approval that was granted development consent before the commencement of the amendments. The Concept SSD was granted deferred commencement approval on 15 February 2018.

The application proposes a maximum height of RL 208.60 (182.28m) at the north-western corner of the tower and steps down to RL 181.52 to the south-east. The proposal has essentially removed height from the south (up to 19m) when compared to the Concept Approval SSD and relocated some of that envelope to the north-west corner (approximately 10m) to create the tri-partite tower form of the design competition winning scheme.

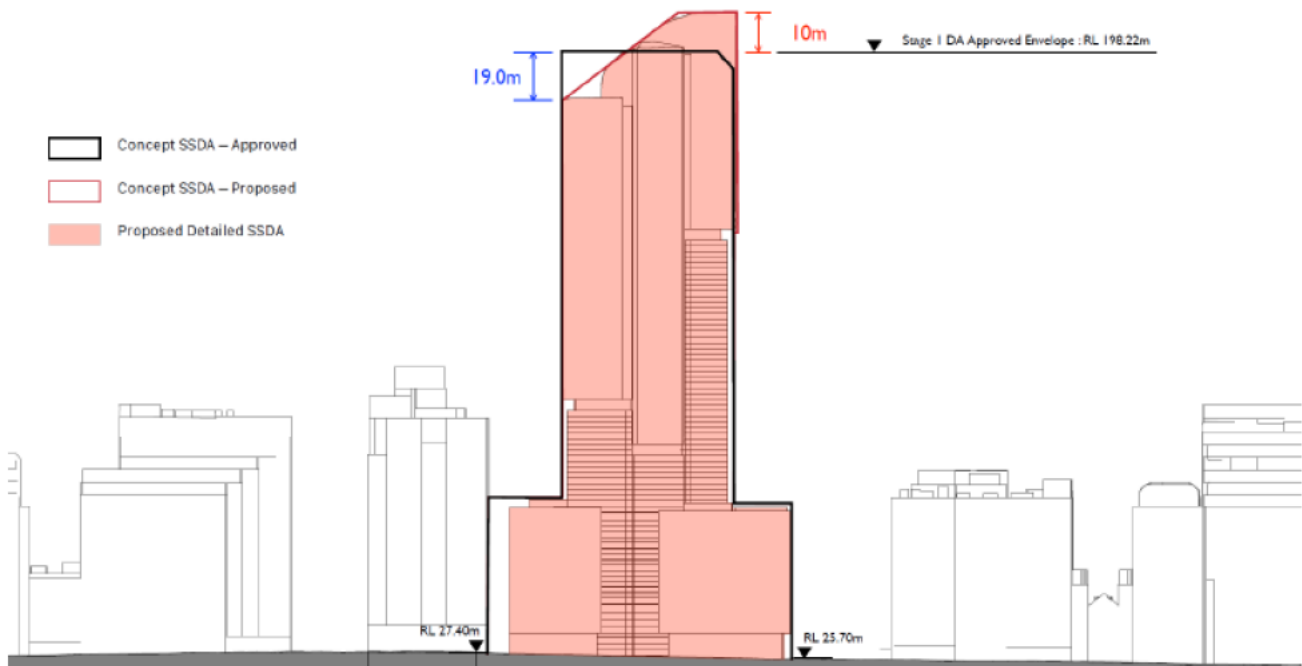


Figure 38 | Proposed variations to approved building envelope. Concept SSDA outlined in black, Concept Modification SSD outlined in red and proposed Detailed Design SSDA shaded red. (Source: Ethos Urban EIS for D/2024/854)

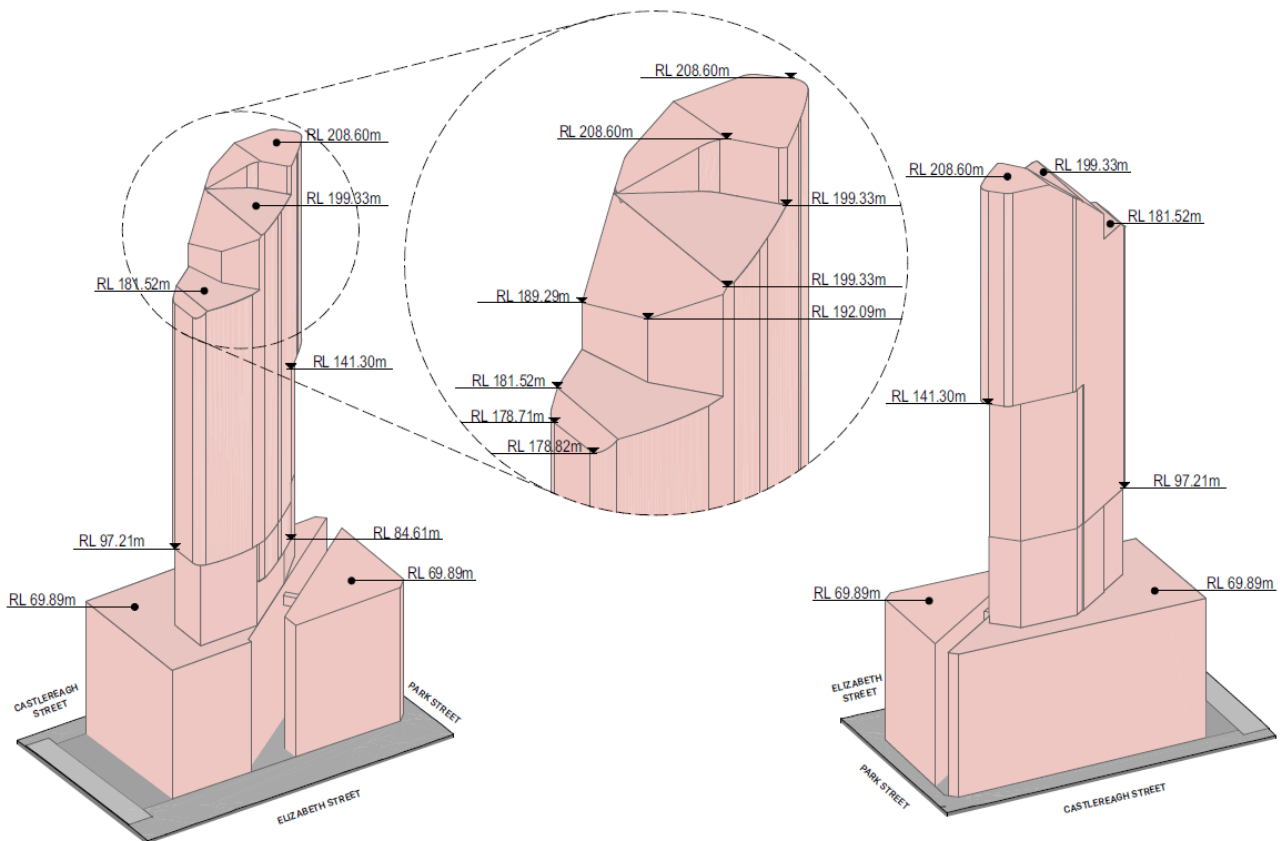


Figure 39 | Proposed axonometric diagrams: Elizabeth Street elevation (left) and Castlereagh Street elevation (right) (Source: Ethos Urban building envelope drawings)

As detailed in the Concept Modification SSD, the proposal has demonstrated that the increased height to RL 208.60, and those parts exceeding the sun access plane, will result in an improved outcome to Hyde

Park and the Anzac Memorial compared to the Concept SSD Approval. The development will achieve a 51.42% reduction in shadows cast on Hyde Park between 12.00 and 14.00 on 21 June. This is a 1% improvement compared to the Concept Approval.

The following table demonstrates the overshadow impact to Hyde Park.

Table 7 | Hyde Park Overshadowing Reduction Summary (Source: Ethos Urban Modification Report – Building Envelope Design Report)

Time	Existing Condition	Approved Concept SSDA	Proposed Concept Modification	Proposed Detailed SSDA
12:00	64sqm	0sqm	0sqm	0sqm
12:30	4,115sqm	2,593sqm	2,333sqm	2,243sqm
13:00	7,431sqm	4,087sqm	4,115sqm	4,031sqm
13:30	8,578sqm	3,841sqm	4,103sqm	4,025sqm
14:00	6,749sqm	2,913sqm	2,883sqm	2,787sqm
Total	26,937sqm	13,434sqm	13,434sqm	13,086sqm
Percentage	100%	49.87%	49.87%	48.58%
Reduction	-	50.13%	50.13%	51.42%

6.4.1 Setbacks

The podium is setback 10m from the southern boundary to allow for the southern through-site link, a diagonal through-site link from the corner of Park Street and Castlereagh Street to Elizabeth Street cuts through the podium envelope and a bridge between the podium envelopes is now proposed at RL66.35. The podium is also now reduced in height to RL 69.60 (removing the part 14th storey approved in the Concept SSD).

The tower form has shifted towards the north-west and north-east, to incorporate the tri-partite form of the tower. In doing so, the tower now has the following setbacks:

- Castlereagh Street: min. 5.7m (reduction of 1.9m) to the high-rise levels of the tower above RL176.60 (otherwise 7.7m below)
- Park Street: min. 16.8m (reduction of 0.2m) to the high-rise levels of the tower above RL176.60 (otherwise 19.2m below)
- Elizabeth Street: min. 4m (no change)
- Southern boundary: min. 22m (no change)

As detailed in the separate report for the concurrent modification application, the proposed reduction in setback to Castlereagh Street, along with the other changes to setbacks, will enable the redistribution of

floor space, ensuring that the concept envelope can reasonably accommodate the permissible floor space to support a feasible development scheme.

The proposed 5.7m setback to Castlereagh Street above the street frontage height is acceptable considering:

- (a) The new tower, with the proposed 5.7m setback occurs within the high-rise portion, whereas the low-rise tower maintains a setback of 7.1m which is generally consistent with the Concept SSD. The largely imperceptible change to the setback starts from RL141.30 and occurs across approximately 22% of the Castlereagh Street frontage at these levels
- (b) The new tower is setback in line with 219-227 Elizabeth Street to the south, and will ensure an acceptable stepped relationship on the eastern side of Castlereagh Street
- (c) Given the orientation of Castlereagh Street, and the lower street wall height and overall building heights on the western side, the proposed 5.7m setback at higher levels will maintain adequate daylight access and sense of openness to Castlereagh Street
- (d) The wind impact assessment submitted with the concurrent Concept Modification SSD and the subject SSDA demonstrates that the surrounding public domain will continue to achieve the relevant wind comfort and safety criteria.

6.4.2 Solar access

As detailed in the separate report for the concurrent modification application, the amended concept envelope will maintain 2 hours of direct sunlight and an acceptable level of outlook to the residential apartments of Castle Residences at 116 Bathurst Street (fronting Castlereagh Street) and Indi Sydney at 296 Pitt Street (fronting Bathurst Street).

Detailed sun eye view diagrams have been submitted to demonstrate solar access to both residential towers as a result of the proposed modifications to the building envelope and Detailed Design SSDA. The diagrams indicate that there is impact to both development sites between 9.00am and 10.00am due to the changes in setbacks and height to the Castlereagh Street elevation of the proposal.

SSD approval SSD 10376 for Indi Sydney noted that 49.6% of apartments receive 2 hours solar access as required by the ADG. These apartments face north and north-west and remain unaffected by the Concept Modification SSD as they all receive solar access from 10.00am onwards for at least 2 hours.

Castle Residences was approved under D/2014/797, which documented that approximately 59% of apartments achieved solar access. City staff requested that the applicant provide additional information to demonstrate that the solar access is not reduced as a result of the amendments to the building envelope and Detailed Design SSDA. The applicant has provided sun eye views for the neighbouring site at 5 minute intervals for mid-winter between 9.30am and 11.00am for the SSDA. The diagrams note that the existing situation allows for 58.8% compliance (77 apartments); and this is maintained as a result of the proposal.

Solar diagrams provided with the Detailed Design SSDA also demonstrate that the proposal is capable of achieving the minimum 2 hours of direct sunlight to approximately 85% of living rooms and private open space within the residential component of the tower. A maximum of 13% of apartments receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

In light of the above, it has been sufficiently demonstrated that the proposal is capable of achieving an acceptable level of solar access to future residential development within the site and does not result in unreasonable adverse overshadowing impacts to nearby residential development.

6.4.3 View impacts

The view impact assessment accompanying the SSDA comprises 3D digital modelling and survey aligned photomontages of existing and proposed viewpoints in the public domain and the private domain.

A detailed assessment has been undertaken as part of the concurrent Concept Modification SSD application; however a submission has been received with the SSDA during notification from Victoria Tower at 197 Castlereagh Street. The submission is concerned that the view impact assessment inadequately considers the impact of the podium, failing to note that the existing views from the lower part of 197 Castlereagh Street, in particular apartment 1403, are significant views. The submission goes on to state that the views are clear when seated throughout the balcony and living rooms and extending to the kitchen and concludes that it is incorrect to conclude that from the dining room the impact on views is low.

As such, the assessment of private views has been made against the planning principles established by Senior Commissioner Roseth in the Land and Environment Court decision of *Tenacity Consulting V Warringah [2004] NSWLEC140* in relation to view sharing.

Views from apartment 1403A and B at Victoria Tower – 197 Castlereagh Street



Figure 40 | Location of buildings considered in private domain for the visual impact assessment. Affected apartment views at 197 Castlereagh Street are noted as views 1-5 (Source: Ethos Urban EIST – View and Visual Impact Analysis)

Assessment of views to be affected

Impacts of the Concept Approval were assessed against the first 14 floors in a north-eastern, eastern and south-eastern direction given the location of the podium. The submission received relates to 1403A and 1403B on the 14th floor, with a north-eastern orientation and views to the high valued element of St Mary's Cathedral and Hyde Park as well as the iconic Sydney Harbour. These views are considered to be of moderate value by the Applicant.

Apartment 1403A

High valued elements St Mary's Cathedral and Hyde Park are seen in the foreground of the view from Apartment 1403A, with partial views of Sydney Harbour and Woolloomooloo in the background.

Apartment 1403B

Apartment 1403B obtains views to iconic elements in the form of Sydney Harbour. High value elements of Hyde Park and St Mary's Cathedral are visible, seen in part in the centre foreground and background of the view in existing conditions.



Figure 41 | Viewpoint: Victoria Tower (level 14, apartment 1403A existing view) (Source: Ethos Urban EIS – View and Visual Impact Analysis)

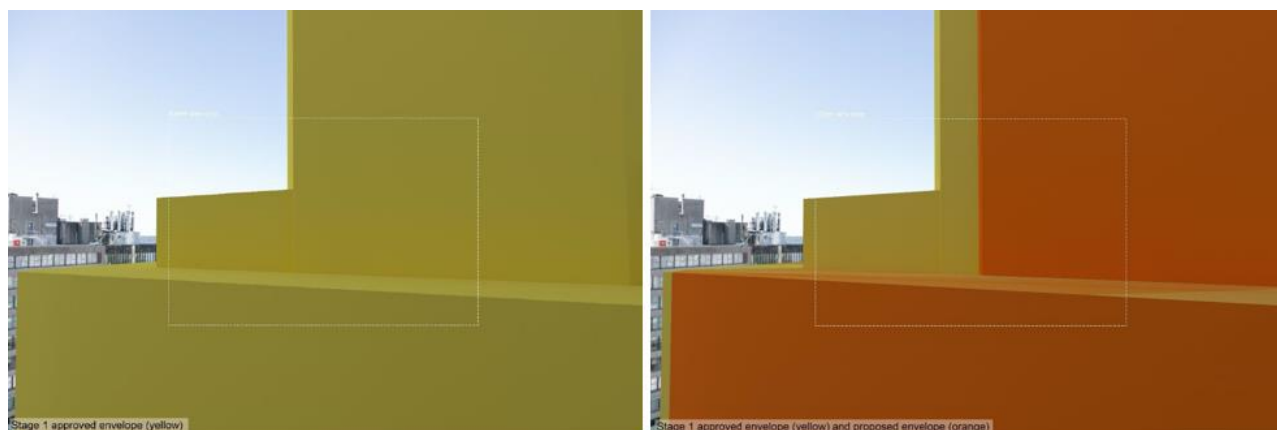


Figure 42 | Viewpoint: Victoria Tower (level 14, apartment 1403A) approved envelope (left) and proposed envelope in orange (right) (Source: Ethos Urban EIS – View and Visual Impact Analysis)

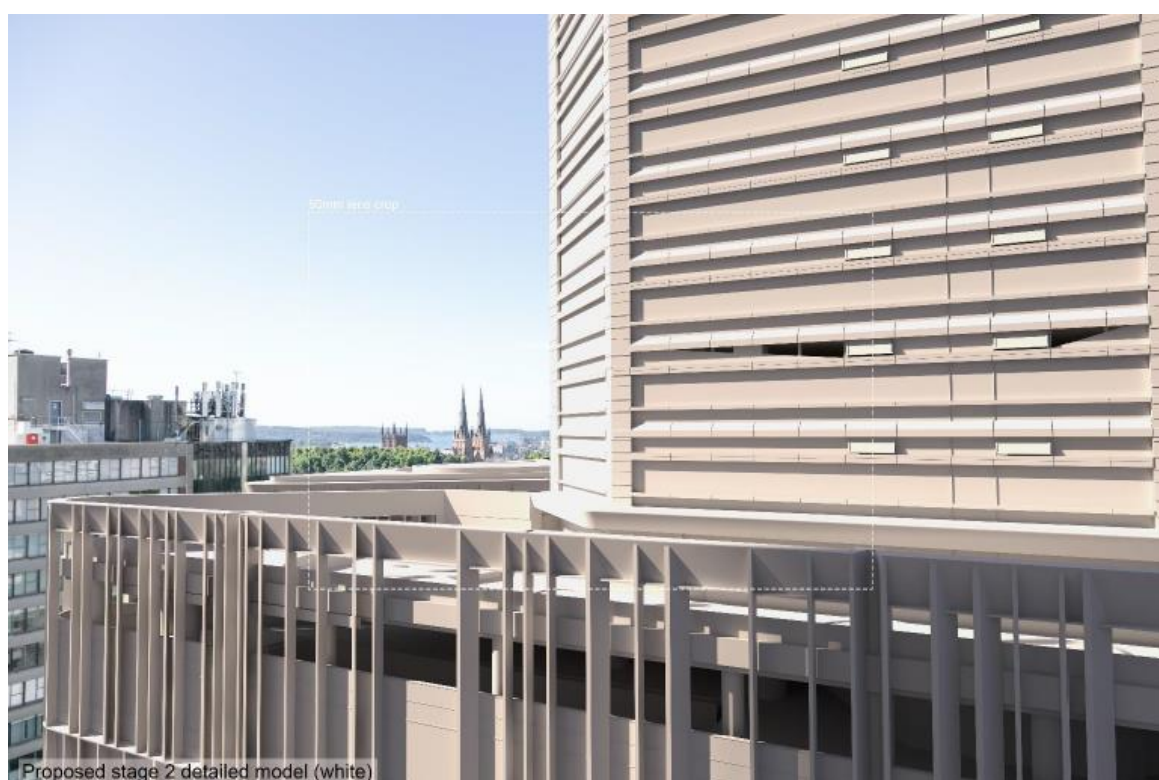


Figure 43 | Viewpoint: Victoria Tower (level 14, apartment 1403A) proposed detailed design in white (Source: Ethos Urban EIS – View and Visual Impact Analysis)

It is noted that the area of the approved envelope that extends above the podium was conditioned to be deleted as part of the deferred commencement conditions. See **Figure 44** below.

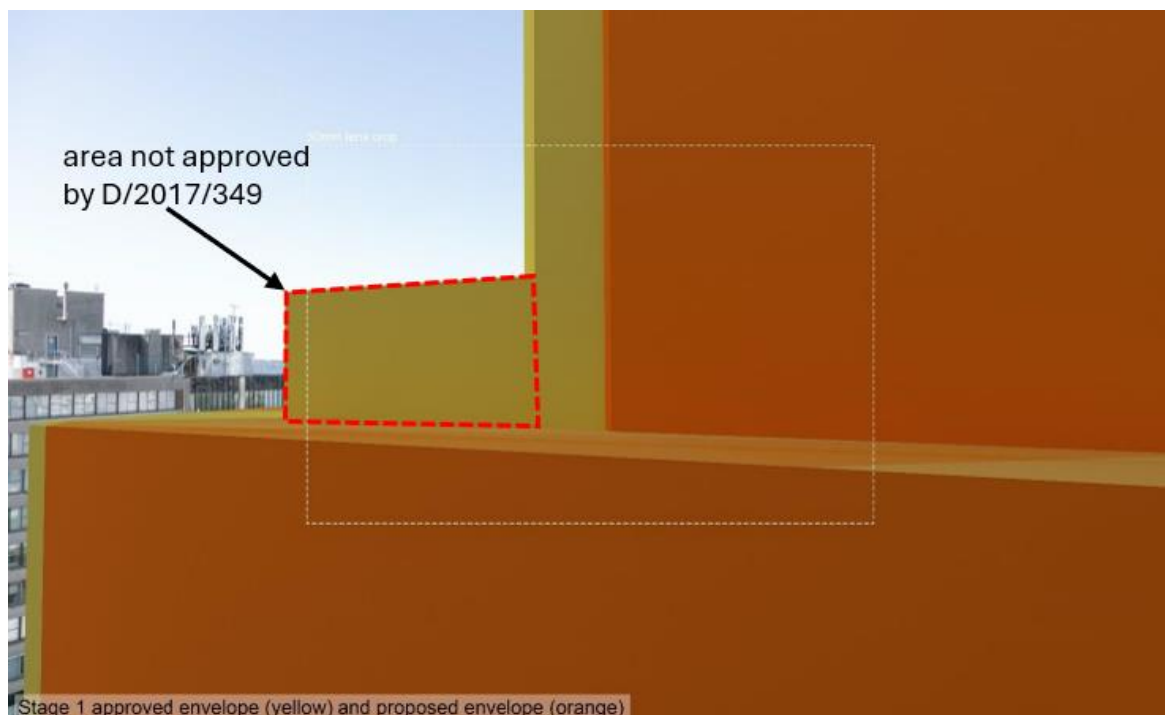


Figure 44 | Viewpoint: Victoria Tower (level 14, apartment 1403A). Red dashed lines indicate area not approved by D/2017/349. A setback of 17m was required by Condition 2 of the deferred commencement consent. (Source: Ethos Urban EIS – View and Visual Impact Analysis)



Figure 45 | Viewpoint: Victoria Tower (level 14, apartment 1403B existing view) (Source: Ethos Urban EIS – View and Visual Impact Analysis)

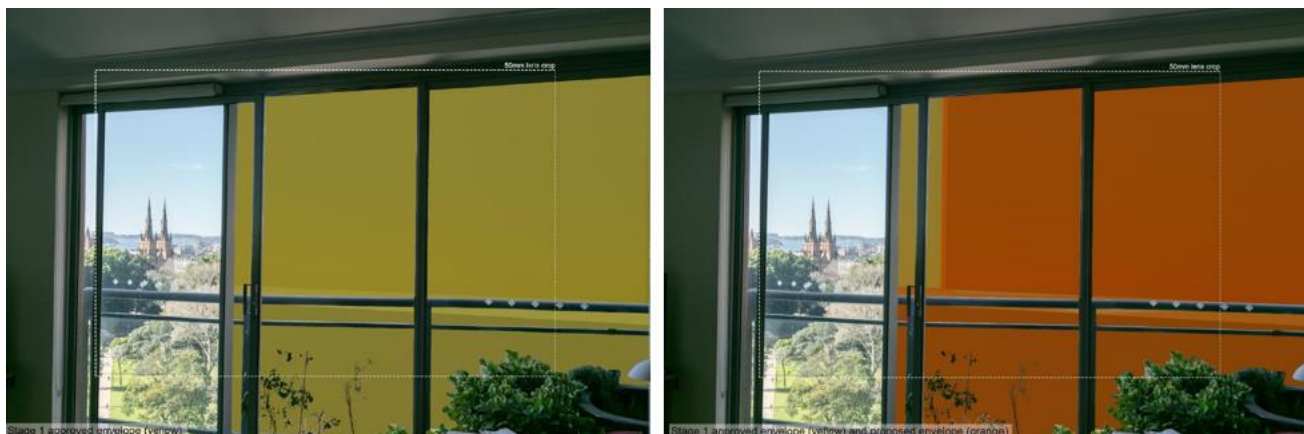


Figure 46 | Viewpoint: Victoria Tower (level 14, apartment 1403B) approved envelope (left) and proposed envelope in orange (right) (Source: Ethos Urban EIS – View and Visual Impact Analysis)



Figure 47 | Viewpoint: Victoria Tower (level 14, apartment 1403B) proposed detailed design in white (Source: Ethos Urban EIS – View and Visual Impact Analysis)

Which part of the site is the view available from?

Apartment 1403A obtains the above views from the front of the apartment, via a balcony at both seated and standing positions. Apartment 1403B obtains the above views from the front of the apartment, via a living room window at both seated and standing positions. As per Tenacity, the loss of views from living room windows is considered to be of greater impact than the loss of views from balconies, bedrooms or kitchens. It is acknowledged that, as the submission details, that there are views from the kitchen albeit of lesser impact in line with Tenacity.

Extent of the impact in relation to views available

With regard to Apartment 1403A, the proposed tower is setback 19.2m at this level (compared to 17m for the Concept SSD Approval) which improves views across this sightline. The approved concept and proposed detailed design SSDA block views to Hyde Park, however partial views to St Mary's Cathedral (the spires in particular) remain. In this instance, it is considered that the qualitative level of impact of the proposal is severe (as per the original Concept SSD Approval assessment report) when compared to the existing situation; and negligible when compared to the approved envelope.

As for Apartment 1403B, the qualitative level of impact of the proposal is considered negligible. Views to Hyde Park are partially blocked, however St Mary's Cathedral and Sydney Harbour remain largely unaffected. The qualitative level of impact of the proposal, when compared to the existing situation is severe (as per the original Concept SSD Approval assessment); and negligible when compared to the approved envelope.

Reasonableness

The degree to which an impact is considered to be reasonable depends on the extent to which the development complies with the relevant planning controls, and whether impacts could be mitigated by a more skilful design. In the case of the approved building envelope, severe view impacts were generally associated with the podium, with some minor and negligible impacts associated with the northern portion of the proposed tower.

As demonstrated above, the proposed amended building envelope has similar impact, given the height of and extent of the podium, as well as the north-west setback of the tower are generally consistent with the approval. The podium as proposed, complies with the street frontage height controls and is contained within the sun access plane, and impacts on partial views arising from the podium are generally considered to be reasonable. The area of upper-level podium (to the north-west) considered to result in severe view impacts as part of the assessment of D/2017/349 has not been encroached upon by the proposed detailed design.

On balance, the impacts on views identified as a result of the proposed amendments are acceptable and view sharing is reasonable.

6.4.4 Wind impacts

The proposal is accompanied by a Pedestrian Level Wind Assessment that compares existing conditions, the Concept Approval SSD and the proposed Detailed Design SSDA. The wind assessment addresses the City of Sydney wind comfort criteria, indicating that conditions on the ground level would generally be classified as acceptable for general pedestrian access/thoroughfare in most areas with some locations experiencing stronger events for transient use only.

The assessment concludes that the proposal generally improves the wind conditions on the ground plane, primarily due to the rounding of the tower corners, and increased porosity of the site. The amendments have reduced the local concentration of exposed winds from the north-east, improving the average comfort and safety wind speeds to existing conditions and the Concept Approval SSD by 8% and 7% respectively. The proposed development achieves a suitable level of pedestrian safety and comfort with regard to the City of Sydney comfort and safety criteria.

The assessment also noted that the podium communal open space at level 12 requires full height screening and an awning to mitigate wind impacts. The provision of these wind mitigation measures do

not have an impact on views given that they are located behind the podium parapet and cannot be viewed from the public domain.

6.5 Through-site links

The application proposes two through-site links: a diagonal through-site link at the corner of Park and Castlereagh Streets; and a southern through-site link between Elizabeth and Castlereagh Streets.

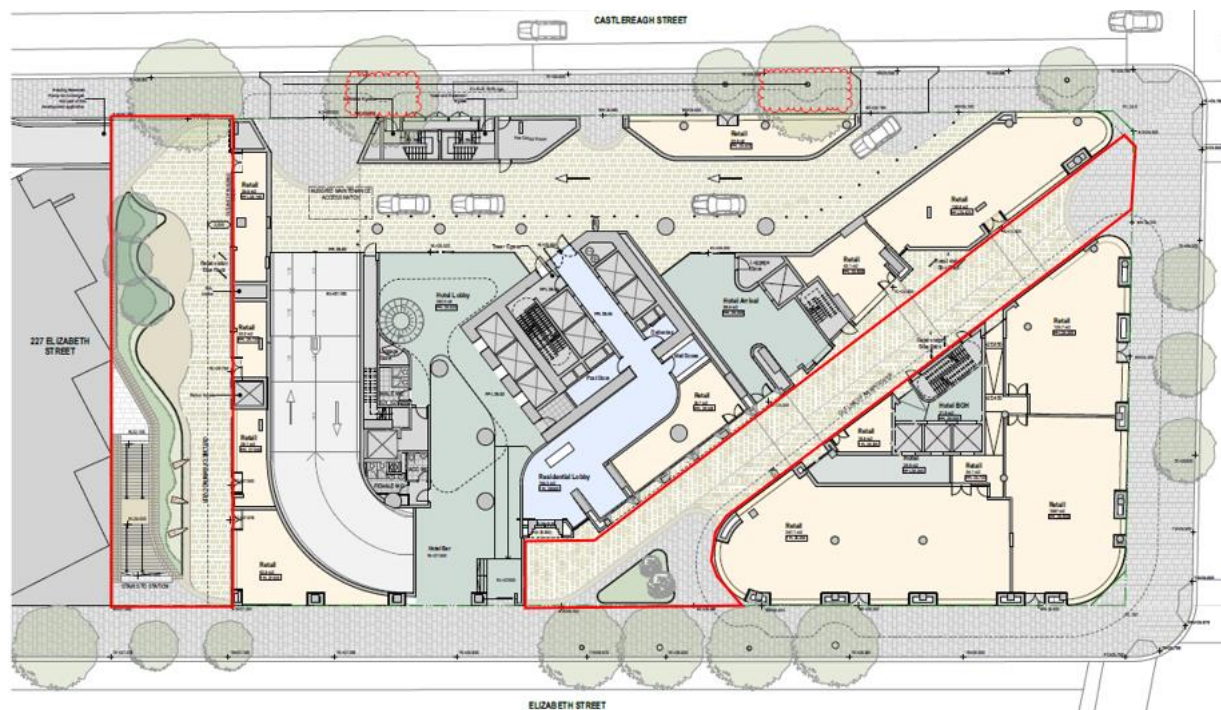


Figure 48 | Proposed ground floor plan, depicting location of through-site links (Source: Ethos Urban RtS amended architectural drawings)

Diagonal through-site link

The diagonal through-site link is proposed as a connection between Park and Elizabeth Streets and is positioned to align with the Anzac Memorial located within Hyde Park. The through-site link contains an awning with a depth of 1m to the north-eastern elevation (as per DAP comments) and is flanked by retail uses and entries to the hotel and residential lobbies. A bridge connecting the podiums is proposed above the through-site link, at RL 60.06.

Although the Sydney DCP 2012 does not apply, Section 3.1.2.2 is used as a guide to inform the design of the through-site link. The proposed diagonal through-site link is not required in this location, but is considered appropriate as:

- It has a minimum width of 6m, with a clear height of 6m along its entire length
- It is direct and accessible to all, with a clear line of sight from Park Street to Elizabeth Street and Hyde Park beyond
- It provides a break in podium length along Elizabeth Street
- The through-site link is easily identifiable by users, and located away from any vehicular access
- Paving is proposed that is consistent with other public areas within the site

- The through-site link is clear of obstructions and includes some landscaping to the Elizabeth Street edge
- The through-site link is to be fully accessible 24 hours a day.

Southern through-site link

A southern through-site link is proposed at the boundary of the subject site and 219-227 Elizabeth Street, containing planters, public art, a stair for pedestrian access to Museum Station via 219-227 Elizabeth Street and retail tenancies. The through-site link has a minimum width of 4.3m where the stair to Museum Station is located, increasing in width to 10.5m as it meets Castlereagh Street. The through-site link is provided to address Condition 11(d) of the Concept SSD Approval D/2017/349, which requires *“the design of the podium to ensure that significant views to and solar access to the sandstone facade of St Georges Church at 201A Castlereagh Street are maintained.”*

The southern through-site link has been amended during the course of the assessment to provide a 2m awning in line with the competition winning scheme, and to ensure comfortable wind conditions. The landscaping has also been simplified as requested by DAP. This is to ensure sightlines to and solar access to the sandstone façade of St Georges Church on Castlereagh Street.

The southern through-site link complies with Section 3.1.2.2 of SDCP 2012 as:

- It has a minimum width of 4m, with a clear height of 6m along its entire length
- It is direct and accessible to all, with a clear line of sight from Elizabeth Street to Castlereagh Street
- The through-site link is easily identifiable by users, and located away from vehicular access to Castlereagh Street
- Paving is proposed that is consistent with other public areas within the site
- The through-site link is clear of obstructions and includes some landscaping along the southern boundary
- The through-site link is to be fully accessible 24 hours a day.

The connection to Museum Station was reviewed by Sydney Trains as part of the external referral process, and they had no objection to its location. A lift is located along the through-site link for access to the lower ground of 219-227 Elizabeth Street.

An appropriate condition is recommended to ensure that both through-site links and stair to Museum Station are registered on title so that they are clear and publicly accessible at all times.

6.6 Street trees and awnings

The proposal seeks consent for an awning along all street frontages and within the through-site links. Currently the site accommodates building elements that act as awnings within the property boundaries on part of Elizabeth, Park and Castlereagh Streets. There are 14 street trees within the public domain surrounding the site, all of which are healthy, mature trees.

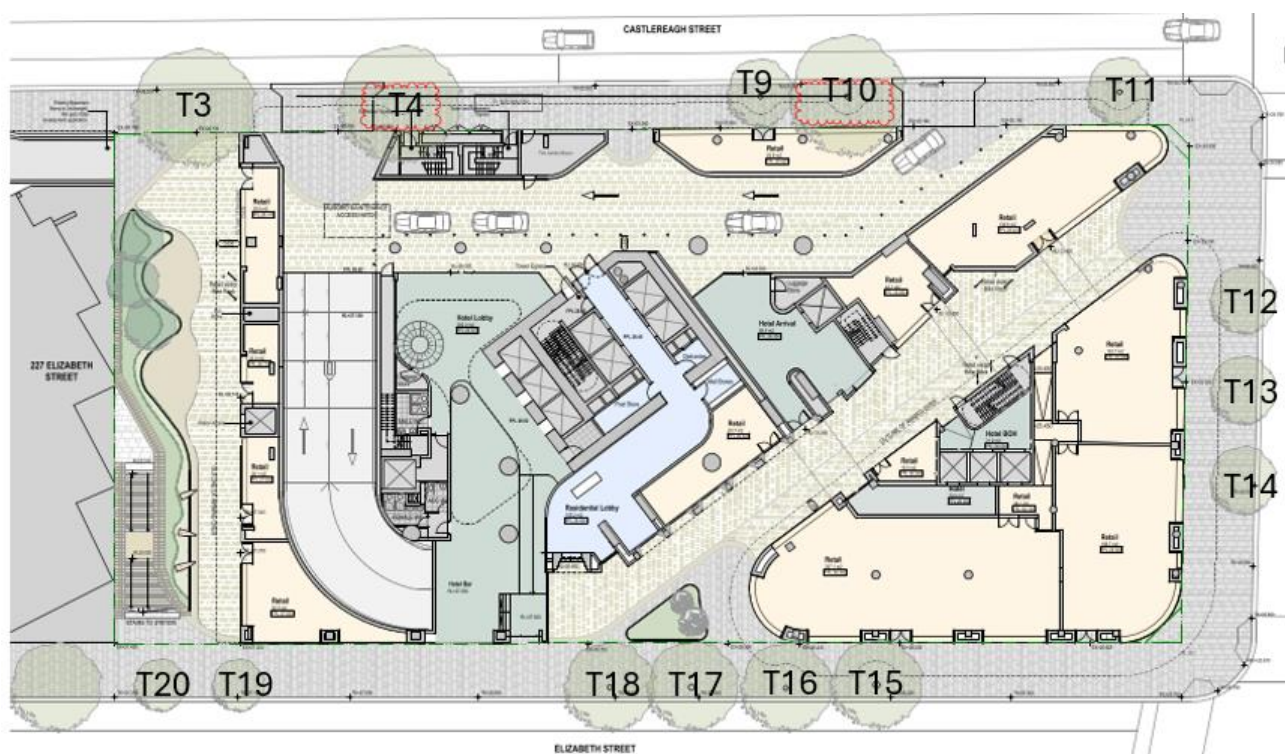


Figure 49 | Proposed ground floor plan, depicting location of street trees surrounding the subject site (Source: Ethos Urban RtS amended architectural drawings)

The awnings are permitted on Elizabeth and Park Streets, as per Section 3.2.4 of the Sydney DCP 2012. The wind impact assessment submitted with the SSDA indicates that the awnings on Park Street and Castlereagh Street in particular, improve wind conditions from an uncomfortable comfort rating to a pedestrian walking comfort rating.

A main objective of the City's Urban Forest Strategy, a strategy derived from Sustainable Sydney 2030-2050 Continuing The Vision, is to maintain and increase tree canopy to provide improved amenity in public places and reduce the urban heat island effect. A main objective of Council, therefore, is to prioritise the retention of healthy street trees during and after construction projects. In the case of the subject application, the existing street trees are likely to be impacted by way of excessive pruning to facilitate the construction, and potential stunted growth and lopsided crowns due to the dimensions of the proposed awning.

The City's Tree Management team commented on the original proposal in which two prominent and healthy street trees on Castlereagh Street (in the vicinity of the proposed driveway and southern through-site link) were proposed for removal, not supporting this outcome and recommending alternatives be explored that retained all trees.

Amended drawings and documentation have been received as part of the RtS, indicating the retention of all street trees, proposed pruning to all trees to facilitate construction and awning cut-outs in the vicinity of Trees 9, 10, 11, 15 and 16 (3x trees on Castlereagh Street and 2x trees on Elizabeth Street). Further detail will be required regarding the clearance measurements of the awning to these trees, with a minimum of 1.5m from the face of the kerb to the outer edge of the awning recommended.

Plans indicate the driveway within Castlereagh Street is in close proximity to Tree 4 (*Platanus x acerifolius* (London Plane Tree)). The Arborist's report has indicated there will be a 17% encroachment within the tree protection zone which is considered major. The structural root zone has not been

indicated, but it is likely that it will be within the footprint of the proposed driveway. An updated Arborist report will be required to indicate the structural root zone for this tree including tree sensitive construction methods and any root investigations regarding the driveway instalment.

City's Tree Management Unit still raises concerns about proposed pruning to all trees and canopy encroachments during construction and as a result of the building. A construction methodology statement will be required outlining tree sensitive mitigation methods in regard to the demolition and construction of the basement within the Tree protection zone of Trees 3, 4, 9, 10, 15, 16 and 17, and pruning specification details reduce the extent of pruning during construction.

6.7 Other issues

The City's consideration of other issues is summarised in **Table 8** below.

Table 8 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Breakthrough panel	- The existing site accommodates the entry driveway ramp shared with 219-227 Elizabeth Street (a commercial building adjoining the site to the south), with the neighbour providing vehicle egress via another driveway ramp. Both driveways front Castlereagh Street. - At present, the basement levels of both sites are connected via breakthrough panels to facilitate shared access, including servicing between the two sites. - The proposed design provides breakthrough panels at levels 2 and 3 of the basement, aligning with the adjoining property to allow for continued servicing and vehicular access. - Noting that 219-227 Elizabeth Street is unlikely to be able to accommodate their own driveway should they redevelop (being located on the corner of Castlereagh, Bathurst and Elizabeth Streets), it is important for shared access to continue.	A condition has been recommended for the provision of a Right of Carriageway and Easement over the breakthrough panels and shared driveway. This will require agreement with the neighbour that access is appropriate.
Traffic, access and servicing	In addition to the shared access described above, the subject site proposes a porte-cochere at ground floor for the hotel accommodation, to be used by several transport modes including private vehicles, taxi and car share operators and minibuses (up to 7.7m in length)	The City recommends the following conditions: The provision of an intercom system for visitors

Issue	Findings and conclusions	Recommended conditions
	• Loading is to occur at basement level 1, with a turntable and access for a 10.6m Council waste truck, and 7 loading spaces in total (1X Council Truck, 1X MRV, 2X SRV and 3 B99). • Basement levels also include private car parking for residents, car share spaces and car spaces for hotel guests. • The proposal will be heavily dependent on detailed management plans for conducting loading, servicing, waste collection and passenger/vehicle drop off/pick up, as well as access for the neighbouring development and private vehicles. • The porte-cochere and vehicular access arrangements to Castlereagh Street have been reviewed by TfNSW, who have recommended conditions.	• Appropriate signs at egress points compelling drivers to “Give Way to Pedestrians” before crossing the footway • Include a signal system (e.g. lights and/or mirrors) to assist with traffic movement on-site • Restricting the service vehicle size limit • Requiring all parking to be designed in accordance with AS/NZS 2890.2 and AS/NZS 2890.6 • Requiring the preparation of a guest pick up/drop off and coach management plan • Requiring the preparation of a Transport Access Guide for visitors and guests • Requiring the preparation of a loading service and valet management plan
Bicycle storage and end of journey facilities	• The proposal provides 405 bicycle spaces within the basement and lower ground levels (265 residential, 75 hotel staff, 4 retail staff, 26 residential visitor, 23 hotel visitor and 12 retail visitor), with 79 lockers and 9 shower/change cubicles for hotel staff. Retail visitor bicycle spaces are provided at ground level. • The City supports the provision of this number of bicycle parking spaces and end of journey facilities in their proposed locations and encourages the use of a Transport Access Guide to support bicycle users accessing the site.	The City recommends the following conditions: • Requiring all bicycle storage facilities to be designed in accordance with AS 2890.3 • Requiring the preparation of a bicycle parking signage and wayfinding plan
Building Maintenance Unit	• A Building Maintenance Unit (BMU) is proposed at rooftop.	• The Applicant has submitted a BMU design statement acknowledging

Issue	Findings and conclusions	Recommended conditions
	City staff requested additional information as to how the BMU will operate, as both the external wall and roof do not appear to be operable. Confirmation was requested that the BMU would not disrupt the way the building meets the sky nor requires more height above what is currently proposed.	that a BMU option will need the roof to be operable, and the architectural plans will need to be updated to reflect any changes in order to accommodate the final design. A condition is recommended that requires a BMU statement prior to the issue of a Construction Certificate.
Hours of operation	- The hotel is to operate 24 hours, including the hotel reception, concierge, communal facilities, function centre and food and beverage associated with the hotel. - No hours of operation are specified for individual retail tenancies within the development. - Proposed communal areas for both residential and hotel areas have been assessed as part of the noise and vibration impact assessment. The assessment concludes that whilst external areas comply with the relevant noise criteria, there is to be no amplified speech or music conducted in any external areas.	The City recommends the following conditions: - Restricting hours of operation for the external communal areas at level 12 - Requiring compliance with various conditions regarding premises and patron management and security - Requiring compliance with the recommendations of the acoustic report - Fit-out and operation of retail tenancies to occur via a separate application (whether DA or complying development).
Construction impacts	- The applicant envisages construction will be undertaken during standard Council CBD hours of noise and construction. - The submitted Construction Noise and Vibration Management Plan proposes construction hours between 7am and 6pm Monday to Friday and 7am to 6pm on Saturday.	The City recommends the following conditions: - Preparation of a CEMP prior to the commencement of works - Preparation of a Construction Traffic Management Plan - Preparation of a final Construction Noise and

Issue	Findings and conclusions	Recommended conditions
	• The City considers construction noise impacts would be acceptable, subject to conditions • The City considered construction traffic will have an acceptable impact on traffic movements in the locality • The City recommends standard conditions to ensure all other construction impacts, such as waste, air and water quality are effectively managed. • The City concludes construction impacts would not be adverse, subject to recommended conditions.	Vibration Management Plan • Preparation of a Construction Waste Management Plan • Compliance with standard hours of work and noise
Contributions	• The development is subject to section 7.12 contributions under the EP&A Act, an affordable housing contribution under clause 7.13 of the Sydney LEP 2012 and a Housing and Productivity Contribution. • With regard to the affordable housing contribution, the applicant has provided Total Floor Area plans but has not provided a breakdown of floor area based on use. Therefore, the City has made an estimate based on the information provided particularly in relation to floor space at basement levels and plant area. • The Housing and Productivity Contribution also allows for a credit to be applied for the gross floor area associated with the existing commercial office building. The applicant has not provided this information, and therefore the City has insufficient information to determine the exact contribution after credits are applied.	• Appropriate contributions conditions are recommended

7 Evaluation

The City has assessed the merits of the proposal and has carefully considered all issues raised in government agency and public submissions. The City has also considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The City is satisfied that the proposal should be approved for the following reasons:

- The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new residential accommodation, hotel accommodation and retail floor space.
- The proposal generally satisfies the objectives and provisions of the State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide.
- The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012.
- The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the Central Sydney locality.
- The proposed development is consistent with the amended concept approval for the site, being D/2017/349/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- Subject to the recommended condition of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Central Sydney locality, subject to the recommended conditions.
- The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012. The tri-partite tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The tower results in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for residents, employees and visitors to the site and is suitably located close to good public transport.
- The development is anticipated to create 844 construction and 310 ongoing operational jobs.
- The development has provided sufficient information to address the SEARs.

- The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.
- For the reasons above and as detailed in the assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

8 Recommendation

It is recommended that the Central Sydney Planning Committee, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application, subject to the conditions in the attached recommended conditions of consent
- **signs** the attached development consent and recommended conditions of consent (**Appendix D**).

Prepared by:



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Recommended by:



Graham Jahn AM
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City Planning Development & Transport

Glossary

Abbreviation	Definition
AHD	Australian height datum
BCS of NSW DCCEEW	Biodiversity Conservation and Science group of the NSW Department of Climate Change, Energy, the Environment and Water
The City	City of Sydney Council
CIV	Capital investment value
Council	City of Sydney Council
Department	Department of Planning, Housing and Infrastructure
DPI	Department of Primary Industries within the Department of Regional NSW
EIS	Environmental impact statement
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LEP	Local environmental plan
Minister	Minister for Planning
NCC	National Construction Code

Abbreviation	Definition
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/201-elizabeth-street-redevelopment-stage-2>

Appendix B – Statutory considerations

EP&A Act

In line with the requirements of Section 4.15 of the EP&A Act, the City's assessment of the project has provided a detailed consideration to a number of statutory requirements. These include:

- The objects found in section 1.3 of the EP&A Act
- The matters listed under Section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

A summary of the City's consideration of the relevant objects (found in section 1.3 of the EP&A Act) and section 4.15(1) are provided below.

Table 9 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal promotes the social and economic welfare of the community by providing residential accommodation within a highly accessible site for transport and urban services, and, in doing so, contributing to the achievement of State, regional and local planning objectives. The development will more efficiently use the land in a way that creates no material adverse impacts for neighbours or the wider community. The proposal will create an opportunity to provide high-quality tourist and visitor accommodation within Central Sydney, which will contribute to achieving Council's strategic priorities for the Central Sydney to increase employment generation and hotel accommodation close to public transport and services in order to strengthen the diversity, capacity and resilience of the Metropolitan Centre.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal seeks to achieve a high level of sustainable outcomes through the implementation of a sustainability framework to ensure the effective implementation of sustainability initiatives and management of natural resources, as well as certification using internationally recognised third party certification sustainability rating tools.
(c) to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use of the land and is permitted with consent within the SP5 Metropolitan Centre zone. It promotes use of the land for mixed use purposes, within a highly accessible Central Sydney location. The proposed design is well

Object	Consideration
	coordinated to best deliver its intended uses and addresses the state and local planning controls
(d) to promote the delivery and maintenance of affordable housing,	The proposal does not affect delivery of affordable housing, but by increasing housing supply and choice will assist with improving housing affordability.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	This proposal does not intend to compromise the conservation of threatened and other species native animals and plants, ecological communities and their habitats. There are no known species that are threatened at the site due to the dense urban environment that the site is located and a BDAR waiver has been issued for this development.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal takes into consideration the sustainable management of surrounding built and cultural heritage with heritage items in close proximity along adjoining street frontages. The proposal has considered a response in terms of setbacks, podium form, articulation of the facade, vertical emphasis of openings and contemporary use of traditional materials to respond to the strong masonry character of the locality. Further Archaeological and Aboriginal heritage assessments were undertaken, and the results concluded that no known impacts are expected as a result of the proposal.
(g) to promote good design and amenity of the built environment,	The proposal is the result of an Architectural Design Competition for the site in accordance with cl. 6.21D of the Sydney LEP 2012. The competition resolved that FJC Studio (then FJMT) scheme best demonstrated the ability to achieve design excellence and along the design evolution post the competition the jury support that the final scheme promotes good design and amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Recommended conditions would ensure the proposed development would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The proposal is SSD and has been delegated to the City of Sydney for assessment and determination by the Central Sydney Planning Committee. The City has consulted with relevant Government agencies.

Object	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The application has been publicly exhibited in accordance with the City's Community Participation Plan in which the public was given an opportunity to review the application and provide a submission. The Applicant as also prepared a response to public submissions and advice received by Government agencies.

Table 10 | Consideration of section 4.15(1) of the EP&A Act

Object	Consideration
(a)(i) any environmental planning instrument	This application has been assessed in accordance with the relevant State and local planning instruments as outlined within this table. The assessment demonstrates the proposal is in accordance with the objectives and provisions of the relevant policies. Further consideration of relevant EPIs is provided below.
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	The assessment demonstrates the proposal is in accordance with the objectives of the provisions of the draft policies as provided below.
(a)(iii) any development control plan	Section 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. Where relevant however, this report considers of the Sydney DCP 2012 when used to guide aspects of the development including transport and access, hours of operation and various built form considerations.
(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	N/A
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	The application satisfactorily meets the relevant requirements of the Regulation, particularly Division 5 which outlines requirements for SSD.

Object	Consideration
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The City has assessed the likely impacts of the development and considers they are acceptable and/or have been appropriately managed by recommended conditions.
(c) the suitability of the site for the development	The site is suitable for the proposed development as discussed in Sections 4 and 6 .
(d) any submissions made in accordance with this Act or the regulations	Consideration has been given to all submissions received. See Sections 5 and 6 and Appendix C .
(e) the public interest	Refer to Section 6 .

Biodiversity Conservation Act 2016

A consideration of the relevant matters in the Biodiversity Conservation Act 2016 is provided in the Table below.

Table 11 | Consideration of the Biodiversity Conservation Act 2016

Object	Consideration
7.14 State significant development or infrastructure	A BDAR waiver request was submitted to the Department on 31 May 2024. The BDAR Waiver was granted by the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 26 June 2024 and issued by the Department as delegate of the Planning Secretary on 19 July 2024.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*
- *Cumulative Impact Assessment Guidelines for State Significant Projects*

The City is satisfied the applicant has demonstrated their application has been prepared having had regard to the guidelines outlined above.

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP aims to identify development that is of State significance due its size, economic value or potential impact.

The proposed CIV of the tourist related component of the development has a CIV of \$348,225,477.

The proposed development is therefore SSD under section 13 of Schedule 1 of the Planning Systems SEPP as it is development for tourist related purposes that has a CIV of more than \$100 million. The remaining commercial premises is located within the single mixed-use site and as such is also classified as SSD.

On 7 February 2017, the then Minister for Planning delegated consent authority functions to the City in respect of the original application D/2017/349. On 23 February 2017, Secretary of the Department of Planning and Environment (as it was previously known) delegated responsibility for the assessment of the application (and related functions) to the City.

It is noted that the subject application was lodged prior to 13 December 2024, when subsection 13(3) of the Planning Systems SEPP was changed enabling hotel accommodation of any value to be determined by the City.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is located within the designated biological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the Biodiversity and Conservation SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

The site is within the Sydney Harbour Catchment and eventually drains into Sydney 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 SEPP are not applicable to the proposed development. The development is consistent with the controls contained in the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

The aim of SEPP (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land 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.

The application is accompanied by an Acid Sulfate Soils and Salinity Statement, a HAZMAT Report, a Preliminary Site Investigation, Detailed Site Investigation and Remedial Action Plan (RAP).

The documentation details that the site is located on Class 5 Acid Sulfate Soils and within 200m of Class 2 Acid Sulfate Soils to the east and west (at Cockle Bay and Woolloomooloo). There is the presence of identified and suspected HAZMAT in the building at the site, and two existing underground storage tanks. The underground storage tanks in particular, have resulted in residual contamination on the site.

Decommissioning and removal of the underground storage tanks will potentially eliminate the most significant source of the contamination and validation testing following removal may potentially indicate a reduction in concentrations (however this is to be confirmed).

The RAP anticipates:

- Decommissioning and removal of the underground storage tanks; and
- Remediation and validation of localised soils, rock and potentially liquids.

The City's Health and Building Unit are satisfied that there is reasonable evidence that work has been undertaken in accordance with the relevant Environmental Protection Authority Guidelines and the findings of the investigation and assessments undertaken are considered reliable. It is therefore considered that the site can be made suitable for the proposed sensitive uses, subject to the implementation of the RAP and conditions recommended.

State Environmental Planning Policy (Housing) 2021

Chapter 2 – Affordable Housing

A condition of consent is recommended requiring payment of an affordable housing contribution prior to the issue of any Construction Certificate.

Section 7.32 of the EP&A Act applies to the development application because:

- (a) the SEPP (Housing) 2021 identifies a need for affordable housing within each area of the State
- (b) the consent authority is satisfied either that the proposed development will or is likely to reduce the availability of affordable housing within the area
- (c) Section 222B of the Environmental Planning and Assessment Regulation 2021 states that section 7.32 of the EP&A Act applies to a development application to carry out development in the City of Sydney local government area.

The recommended affordable housing contribution is authorised to be imposed on the development by Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 for development of land in Central Sydney involving the erection of a new building the gross floor area of which is more than 200 square metres.

Chapter 4 – Design of Residential Apartment Development

The aim of Chapter 4 is to maintain the design quality of residential apartment development in New South Wales.

When determining an application for a residential flat development of three or more floors and containing four or more apartments, the SEPP requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 9.

The applicant has submitted a design verification statement and design report prepared by Richard Francis-Jones (NSW Architects Reg. No. 5301) with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.

An assessment of the proposal against the design quality is provided as follows:

- (a) Principle 1: Context and Neighbourhood Character

The site is located within Central Sydney and will contribute to the vitality of the immediate locality and the broader City of Sydney Local Government Area (LGA).

The development is proposed within the SP5 'Metropolitan Centre' zone and is broadly in accordance with the aims and objectives of the Sydney LEP 2012, the Sydney DCP 2012, and the Concept Approval (as amended). The proposal is also consistent with the existing and desired future character of the locality.

(b) Principle 2: Built Form and Scale

The built form of the proposed development responds appropriately to the site context and is consistent with the existing and planned future built forms of the locality.

The built form and scale of this proposal is compatible with that envisaged in the Concept Approval (as amended). Variation to the sun access plane that governs height across the site is addressed in **Section 6**. Notwithstanding, the proposal responds satisfactorily to the surrounding emerging dense urban context.

(c) Principle 3: Density

The proposal is compliant with the maximum floor space ratio control for the site contained within the Sydney LEP 2012.

The development provides a suitable number and variety of apartment types, with appropriate amenity for occupants. The proposed overall density of the development is consistent with that envisaged for the Central Sydney locality under the relevant planning controls and is appropriate given the emerging dense urban context of the site.

The development will accommodate 264 dwellings, which is an appropriate level of residential density for the site, given its proximity to established infrastructure, public transport, and community and recreation facilities.

The proposed density of the new building does not result in unacceptable levels of amenity impact for neighbouring properties or future residents of the development.

(d) Principle 4: Sustainability

The proposed development maximises cross ventilation and solar access penetration into residential apartments to reduce artificial lighting, heating and cooling, reducing future energy consumption.

The proposal also incorporates passive shading devices to reduce heat gain and improve the energy performance, amenity, and longevity of the development.

The proposal is compliant with the requirements of BASIX, and a condition is recommended to ensure that the development complies with the commitments contained on its BASIX certificate.

(e) Principle 5: Landscape

Due to the podium covering the majority of site and the basement underneath, there is no deep soil proposed on the site which is considered acceptable in the context of Central Sydney.

Landscape solutions are provided throughout the proposed development, however, with hard and soft landscaped areas located at the Level 12 podium roof.

(f) Principle 6: Amenity

The proposal incorporates apartment planning that can deliver a high level of amenity for future occupants. Floor plans have been configured to maximise solar access and ventilation and provide compliant apartment and room sizes.

Compliance with amenity controls regarding the relevant provisions of the ADG is detailed in the table below.

(g) Principle 7: Safety

The safety and security of the public domain and the site itself is enhanced by increased activity within the site and casual surveillance of the surrounding streets from the residential apartments. There are secure and separate entrances available for the sole use of permanent residents.

The proposal has generally been designed in accordance with the principles of Crime Prevention through Environmental Design (CPTED).

(h) Principle 8: Housing Diversity and Social Interaction

The proposed development provides an acceptable mix of residential apartment types to encourage housing diversity, including adaptable apartments and accessible communal facilities for both passive and active recreation.

There are a range of indoor and outdoor communal facilities to encourage social interaction amongst residents and the proposed development responds well to the social context of its location in Central Sydney, which is in close proximity to established infrastructure, public transport, community and recreational facilities.

(i) Principle 9: Aesthetics

The proposed development provides for a contemporary, well-modulated and articulated mixed use development, which is compatible with the existing and desired future character of the locality.

The detailed design of the development was the result of a competitive design process, which was awarded as the winning scheme and was considered by the selection panel to be capable of exhibiting design excellence.

The proposed built form, expression and composition of the new building will make a positive contribution to the visual quality of the area.

The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). A detailed assessment of the proposal against the ADG is provided below.

Table 12 | Consideration of the ADG

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Acceptable	The depth of the building at its greatest extent, is 22.1m. This occurs within the tower at levels 18 – 47.

2E Building Depth	Consistency	Comment
		These exceedances occur within the concept building envelope, and the proposed articulation of the façade helps to reduce building depth in most areas. The depth of individual apartments achieve compliance, with the design of the development ensuring that adequate light and ventilation is achieved for each dwelling. Accordingly, the aims of the building depth provisions have been met.

2F Building Separation and 3F Visual Privacy	Consistency	Comment
2F Building Separation Nine storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms 3F Visual Privacy Nine storeys and above: over 25m): • 12m between habitable rooms / balconies • 6m between non-habitable rooms	Yes	Residential apartments are located from Levels 12 above. Communal indoor and outdoor spaces are located within Level 12. The development minimum distances of 20m to 27 Park Street and 197 Castlereagh Street at podium level, increasing to a minimum of 27m as the tower rises. A minimum 10m separation is provided to the southern boundary at podium level, with tower setbacks increasing to 22m.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	The proposal provides indoor and outdoor communal open spaces at levels 11 and 12. Communal open space dedicated for residential use represents approximately 33% (1,291sqm) of the site area.

3D Communal and Public Open Space	Consistency	Comment
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	At midwinter, 510sqm of communal open space receives a minimum 2 hours of direct sunlight between 9am and 3pm, which is 52.3%.

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m.	Acceptable	No deep soil zones are provided. The design guidance in the ADG states that achieving deep soil zones may not be possible on some site including where: - The location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density site, or in centred) - There is 100% site coverage or non-residential uses at ground level The proposal includes a commercial podium and basement levels with 100% site coverage. The site is located in a highly urbanised area of the CBD with a number of high-rise developments nearby. In this regard, the provision of the recommended deep soil would be unreasonable in this case. The proposal includes landscaped areas on the podium rooftop to assist with offsetting the lack of deep soil.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	85% of apartments receive more than two hours of direct sunlight in midwinter to living rooms and private open space.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	13% of apartments receive no direct sunlight.

4A Solar and Daylight Access	Consistency	Comment
4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms are naturally ventilated. Plenum systems are also provided throughout the development to ensure that natural ventilation can be maintained to habitable rooms, alongside internal acoustic amenity.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Yes	Above level 12, all apartments are assumed to be naturally cross ventilated through wintergardens and horizontal plenums.
Overall depth of a crossover or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	The proposal contains several cross-through apartments. Of the cross-through apartments that do exceed 18m in depth, openings are provided on a second aspect before 18m.

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Yes	All residential floor to ceiling heights in habitable rooms are 2.7m.
Non-habitable rooms: 2.4m	Yes	All non-habitable rooms have a minimum floor to ceiling height of 2.4m.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: • Studio: 35sqm • 1-bed: 50sqm • 2-bed: 70sqm • 3-bed: 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the	Yes	All apartments meet or exceed the minimum internal areas required by the ADG.

4D Apartment Size and Layout	Consistency	Comment
minimum internal area by 12m ² each.		
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms have windows in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	No habitable rooms exceed a depth to ceiling height ratio of 2.5, except for open plan layouts.
8m maximum depth for open plan layouts.	Yes	The maximum depth of open plan layouts does not exceed 8 metres from a window.
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10sqm • all other bedrooms: 9sqm Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	All apartments achieve the minimum areas and dimensions prescribed for bedrooms.
Living and living/dining rooms minimum widths: • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m	Yes	The development results in all dwellings having living areas with a minimum width dimension consistent with the provisions of the ADG.
4m minimum width for cross over and cross through apartments.	Yes	The proposal complies.

4E Private Open Space and Balconies	Consistency	Comment
Studio apartments are to have a minimum balcony area of 4sqm with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8sqm with a minimum depth of 2m. Two bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m.	Acceptable	Winter gardens have been proposed in lieu of balconies to increase the utility of these spaces in the Central Sydney context, and to address the associated wind, discomfort and safety concerns posed by a traditional balcony in this setting. The wintergardens comply with minimum area requirements.

4E Private Open Space and Balconies	Consistency	Comment
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Three bed apartments are to have a minimum balcony area of 12sqm with a minimum depth of 2.4m.		
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4F Common Circulation and Spaces	Consistency	Comment
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The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	The circulation core services a maximum of 7 apartments per level.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Acceptable	264 apartments are proposed to be serviced by 4 lifts, meaning each lift services 66 apartments. This is considered to be a minor non-compliance and will not result in any amenity impacts.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.	Yes	No living room or bedroom windows open directly onto circulation spaces.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	All internal circulation spaces are provided with external windows one at least one end.

4G Storage	Consistency	Comment
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Minimum storage provision facilities: • Studio: 4m³ • 1-bed: 6m³ • 2-bed: 8m³ • 3-bed: 10m³ (Minimum 50% storage area located within unit)	Yes	Adequate storage is provided within each apartment in accordance with ADG requirements.
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4J Noise Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	The design groups similar uses and services together to ensure the acoustic privacy of the dwellings are maintained. This includes various facade treatments and acoustic plenums. The proposed plenum systems are also provided throughout the development to ensure that natural ventilation can be maintained to habitable rooms, alongside internal acoustic amenity. All apartments are capable of natural ventilation, and subject to conditions regarding the plenum design, will provide for an acceptable level of acoustic amenity.

Clause 148 - Non-discretionary development standards for residential apartment development

If the following non-discretionary development standards are complied with the consent authority cannot require more onerous standards for the matters.

Table 13 | Consideration of Clause 148

Provision	Compliance	Comment
Car parking Must be equal to or greater than the recommended minimum amount of car parking specified in Part 3J of the ADG	Yes	The minimum car parking requirements for residents and visitors is the car parking requirement prescribed by the relevant Council. As the LEP car parking controls are maximums, there is no minimum, and the proposal complies.
Internal area for each apartment Must be equal to or greater than the recommended minimum internal area for the apartment type in Part 4D of the ADG	Yes	Each apartment complies with the recommended internal area for the apartment type.
Ceiling heights Must be equal to or greater than the recommended minimum ceiling heights specified in Part 4C of the ADG	Yes	The proposal complies with the 2.7m ceiling height development standard for habitable rooms and 2.4m ceiling height development standard for non-habitable rooms.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, including minimise energy consumption, minimise use of potable water, optimise thermal performance

and reduce greenhouse gas emissions. It also aims to ensure assessment is undertaken consistently, sustainability of buildings data is recorded and embodied emissions is monitored.

Chapter 2 Standards for residential development – BASIX

A BASIX Report has been submitted with the development application. The proposed development complies with the BASIX requirements established under Schedule 1 and 2 of the Sustainable Buildings SEPP achieving a BASIX Energy score of 63, BASIX Water score of 45 and satisfying the minimum BASIX Thermal Comfort requirements.

The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented, and for a full set of plans to be submitted with the BASIX stamp on each plan.

Chapter 3 Standards for non-residential development

The proposal contains hotel accommodation, a type of 'large commercial development' as defined by the Sustainable Buildings SEPP with an estimated development cost of more than \$5 million.

The City has assessed the project against the relevant requirements in the Sustainable Buildings SEPP and considers the project has provided the appropriate data regarding embodied emissions (targeting a minimum 40% reduction), will be fossil fuel-free and has been designed to meet the design considerations stipulated in the Sustainable Buildings SEPP as it will target a 3 Star NABERS Water rating for hotels and a 5 Star Green Star Buildings v1 rating.

It is noted that Clause 3.3(2) of the Sustainable Buildings SEPP does not apply to the development in relation to energy use. This is addressed as part of Clause 7.33 of the Sydney LEP 2012.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, providing greater flexibility in the location of infrastructure and service facilities, identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development and provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. The relevant provisions of the SEPP have been considered in the assessment of this application, as provided below.

Table 14 | Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021

Matter	Consideration
Subdivision 2 Development likely to affect and electricity transmission of distribution network	
2.48 – Determination of development applications – other development	The application is subject to Clause 2.48 of the SEPP as the development is located in close proximity to existing Ausgrid infrastructure. The application was referred to Ausgrid who did not raise an objection, subject to conditions.

Matter	Consideration
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements	
2.98 – Development adjacent to rail corridors 2.101 – Development within or adjacent to interim rail corridor 2.102 – Major development within Interim Metro Corridor	<u>Sydney Trains</u> The site is located in close proximity to Sydney Train City Circle tunnels and access to Museum Railway Station is proposed from the subject site (albeit through the existing access provided by 219-227 Elizabeth Street, Sydney). On 14 November 2024, Sydney Trains advised that they had no comment in relation to the proposal. <u>Sydney Metro</u> The site is adjacent to an existing metro station cavern for the Sydney Metro City and Southwest corridor. The application was referred to Sydney Metro for concurrence. On 29 November 2024, Sydney Metro advised that further information was required to assess the impact of the proposed basement excavation on the nearby tunnel. The applicant provided a response on 20 February 2025. Sydney Metro reviewed the additional information and provided their concurrence on 6 June 2025.
2.121 – Excavation in or immediately adjacent to corridors 2.122 – Traffic-generating development	The application was referred to TfNSW given the close proximity of basement excavation to the Cross City Tunnel, and as the development is considered to be traffic-generating development (more than 75 residential dwellings with access to Elizabeth Street). On 20 November 2024, TfNSW provided recommended conditions to be incorporated into the conditions of consent for the development. In particular, the applicant is required to have further consultation with TfNSW and Transurban with regard to the impacts on the Cross City Tunnel.

Sydney Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Table 15 | Sydney LEP 2012 Compliance Assessment

Part 1 | Preliminary

Provision	Comment	Compliance
1.8A Savings provisions relating to development applications	Amendments made by the <i>Sydney Local Environmental Plan 2012 (Amendment No 64)</i> do not apply to the subject DA as it benefits from the savings provisions under Clause 1.8A(5)(b)(ii). This is because the subject SSDA is subsequent to, and made in reliance on, a concept	Yes

Provision	Comment	Compliance
	consent in relation to the same development that was granted before the commencement of the amendments on 26 November 2021. Specifically, the amendments made in relation to height of buildings (Clause 4.3) and the sun access plane (Clause 6.17), with regard to the prohibition of a development exceeding the sun access plane do not apply. With regard to accommodation floor space, Clause 6.4(1A) of the Sydney LEP 2012, which was inserted as part of Amendment 64, <i>(a) applies to a development application subsequent to, and made in reliance on, a development application or concept development application made in relation to the same development, and (b) is calculated by reference to the additional floor space available on the date the application being relied on was made.</i> The Concept SSD Approval D/2017/349, which this SSDA relies upon, was made on 21 March 2017. Therefore, the accommodation floor space for residential accommodation available prior to 30 June 2022 applies to this SSDA.	

Part 2 | Permitted or prohibited development

Provision	Comment	Compliance
2.3 – Zone objectives and Land Use Table	The site is located within the SP5 Metropolitan Centre zone. The proposed development is defined as a ‘mixed use development’, comprising ‘residential accommodation’, ‘hotel accommodation’, ‘food and drink premises’ and ‘retail premises’, which are permissible with consent within the zone. The proposal is generally consistent with the zone objectives.	Yes

Part 4 | Principal development standards

Provision	Comment	Compliance
4.3 – Height of buildings 6.17 – Sun access planes	The site is in ‘Area 3’ pursuant to the Sydney LEP 2012; therefore, no maximum height is shown for this land. Instead, the maximum height is determined by the sun access planes that are taken to extend over the land by Clause 6.17. The approved Concept SSD (D/2017/349) relied on the now repealed Clause 6.18(1)(b) and (c) of the Sydney LEP 2012 ‘Exception to sun access planes’ which allowed development to exceed the Hyde Park sun access plane if	Yes

Provision	Comment	Compliance
	certain criteria were met. Clause 6.18 as previously worded has now been repealed, however the prohibition contained in Clause 6.17, whereby a development cannot exceed the sun access plane, does not apply to the subject SSDA. This is because the SSDA benefits from the savings provision under Clause 1.8A (5)(b)(ii), being a development application that relies on a concept approval granted consent before the commencement of the amendments. The Concept Modification SSD proposes a height of RL208.60 (182.28m). The proposal is consistent with the Concept Modification SSD. See Section 6 for further discussion.	
4.4 – Floor space ratio 6.3 – Additional floor space in Central Sydney 6.4(1) and (1A) – Accommodation floor space 6.21D – Competitive design process (design excellence)	A maximum FSR of 8:1 is permitted under clause 4.4 of the Sydney LEP 2012. In accordance with clauses 6.4(1), 6.4(1A) and 6.21D, the site is also subject to the following floor space bonuses on a pro-rata basis based on uses proposed within the development: • 6:1 accommodation floor space for residential accommodation use (savings provisions apply as the Concept Approval SSD was made prior to 30 June 2022) • 6:1 accommodation floor space for hotel accommodation use • 4.5:1 accommodation floor space for retail use • Additional 10% the sum of the maximum permissible floor space if the building exhibits design excellence Overall, the site is subject to a maximum FSR of 15.8:1. This enables a maximum GFA of 61,635.8 square metres across the site. An FSR of 14.8:1 or 57,763 square metres is proposed. The proposed development complies with the maximum FSR development standard.	Yes
4.5A – Balconies on certain residential flat buildings	The proposal includes wind-affected balconies which have been designed as wintergardens. Wind affected balconies are identified in all proposed apartments.	Yes

Provision	Comment	Compliance
	The GFA of the proposed wind-affected balconies have been excluded from the calculation of the total floor space for the purposes of applying FSR on the following basis: - the excluded balconies' GFA do not exceed 15% of the GFA of the apartment to which each balcony is attached - all wind-affected balconies have been designed as external open spaces - all wind-affected balconies have sufficient natural ventilation - the partial enclosure of the wind-affected balconies does not increase the apparent bulk of the building.	

Part 5 | Miscellaneous provisions

Provision	Comment	Compliance
5.10 - Heritage conservation	The site is not identified as a local heritage item and is not located within a heritage conservation area. The site is within proximity of several heritage items of local and state significance. Of note are the following: - Hyde Park (SHR 01871, Local Item No. I1654) - Anzac War Memorial including Pool of Reflection, pavements, plantings, flagpoles, staircase, platform, interiors, lightwells, bas reliefs, statues, sculptures and movable heritage (artefacts and memorabilia at 120 Elizabeth Street (SHR 01871, Local Item No. I1742) - Museum Railway Station including interiors (SHR 01207, Local Item No. I1743) - Municipal sewer vent corner of Elizabeth and Bathurst Streets (SHR 01642, Local Item No. I1752) - Former Australian Consolidated Press facade' at 189–197 Elizabeth Street (Item No. 1751) 'Former CENEF House" including interiors' at 201 Castlereagh Street (Item No. I1700) 'St George's Church including interior and forecourt' at 201A Castlereagh Street (Item No. I1701)	Yes

Provision	Comment	Compliance
	• 'Porter House" including interior' at 203 Castlereagh Street (Item No I702) • 'Former tram shelter including interior' at 110 Elizabeth Street (Item No. I741). The proposal is not considered to have an adverse impact on surrounding heritage fabric and is in keeping with the heritage context of the immediate area. The proposal retains a podium street wall height of 45m and allows for views from Hyde Park to St Georges Church at 201A Castlereagh Street in accordance with the Concept SSD approval.	
5.21 – Flood planning	The site is not identified as being subject to flooding, however there are multiple lifts and basement entry points proposed across the site. An assessment of flood levels and entry levels has been provided, showing that all entries are compliant with the City's flood policy.	

Part 6 | Local provisions – height and floor space

Provision	Comment	Compliance
Division 1 Floor space in Central Sydney		
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space (HFS)	The proposal includes 26,555 square metres of accommodation floor space and design excellence floor space, which is the total GFA above the base 8:1 FSR control. Clause 6.11(1)(a) and (d) of the Sydney LEP 2012 requires that HFS is allocated to the site equal to 50% of the accommodation floor space and design excellence floor space. Clause 6.11(2)(a) allows this amount to be reduced by up to 50%, or 1,000 square metres, whichever is lesser, if the proposed development is the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy. The proposal is the winning scheme of an 'invited' architectural design competition conducted in line with the City's Competitive Design Policy and is eligible for a 1,000 square metre HFS reduction. As such, a total of 12,277.5 square metres of HFS is required to be allocated to the site. A condition is	Yes

Provision	Comment	Compliance
	recommended in Attachment A to require this HFS to be purchased and allocated to the development.	

Division 3 Height of buildings and overshadowing

6.16 Erection of tall buildings in Central Sydney	The proposal has demonstrated that it achieves the relevant wind comfort and safety standards to the surrounding public domain and improves upon the conditions of concept approval D/2017/349, allowing acceptable movement of air to provide ventilation around the tower form. The development provides for an acceptable level of amenity for the occupants of the tower and neighbouring buildings, as detailed in the assessment provided under the Housing SEPP and ADG. It will not have an adverse impact on significant views from the public domain and achieves acceptable level of outlook for the proposed development and neighbouring properties. The proposed tower is compatible with its context in terms of setbacks, height and built form, with the design providing for an acceptable level of sunlight to public places and neighbouring developments. The development also provides for an acceptable level of ventilation within and around the site. Neighbouring heritage items have been highly considered within the design providing an acceptable response to the heritage significance of local and State heritage items.	Yes
6.18 Overshadowing of certain public places	The proposal does not result in any additional overshadowing to places shown on the Sun Access Protection Map.	Yes

Division 4 Design excellence

6.21C Design excellence	The proposal exhibits design excellence as required by Clause 6.21C(2) and is recommended to be awarded an additional 10% floor space in accordance with Clause 6.21D(3), given it is the winner of an 'invited' architectural design competition and has retained the key elements of the winning scheme. The amended scheme adequately addresses recommendations made by the competition jury for improvements. These recommendations are addressed in detail below under Section 6.	Yes
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Provision	Comment	Compliance
	The proposal responds appropriately to the concept approval conditions and planning controls where required, and the built form is compatible with the heritage character of the area, providing a suitable transition in scale in terms of the podium and tower form. The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning controls and reflecting the desired future character of the area. The proposal will have a positive contribution to the public domain through the provision of 2x through-site links connecting Elizabeth Street to Castlereagh and Park Streets; awnings along all frontages; and retention of pedestrian access to Museum Railway Station via connection to the walkway within 219-227 Elizabeth Street. Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the SLEP 2012 and the development is considered to exhibit design excellence.	
6.21D Competitive design process	The proposal utilises the additional 10% floor space bonus. An architectural design competition, based on the in-principle approved hotel, residential and retail uses, was undertaken over September 2018 to December 2018 in accordance with the provisions of clause 6.21D of the Sydney LEP 2012 and the City of Sydney Competitive Design Policy. The proposal is based on the winning scheme and has retained key elements while addressing recommendations made by the selection panel for improvements. These recommendations are detailed further in Section 6.	Yes

Part 7 | Local provisions – general

Provision	Comment	Compliance
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Division 1 Car parking ancillary to other development

7.3 Car parking spaces not to exceed maximum set out in this Division	The maximum number of car spaces permitted is 274 (180 residential, 93 hotel and 1 retail and no residential visitor parking). This maximum is exclusive of any parking space to be used for car share or servicing of the site. The proposed development includes 267 car parking spaces (180 residential, 87 hotel and nil retail) and complies with the relevant allocation for each proposed use.	Yes
7.5 Residential flat buildings, dual occupancies and multi dwelling housing		
7.7 Retail premises		
7.9 Other land uses		

Division 3 Affordable housing

7.13 Contribution for purpose of affordable housing	The site is located in Central Sydney and is subject to affordable housing contributions under Clause 7.13. A condition of consent has been recommended that requires the payment of affordable housing contributions prior to any construction certificate.	Yes
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Division 4 Miscellaneous

7.14 Acid sulfate soils	The site is located on land with Class 5 Acid Sulfate Soils (ASS) and is within 200m of adjacent Class 2 ASS land (Cockle Bay and Woolloomooloo). The application is accompanied by an Acid Sulfate Soils and Salinity Statement addressing the presence of ASS and is considered to be of low risk.	Yes
7.16 Airspace operations	The development has a total height of RL208.60 (182.28m). The building penetrates the Obstacle Limitation Surface by 52.6m, constituting a “controlled activity” under Section 182 of the Airports Act 1996. As discussed in Section 5 of this report, the application was referred to Sydney Airport and approval was granted for the proposed controlled activity, subject to conditions.	Yes
7.20 Development requiring or authorising preparation of a development control plan	A development with a height greater than 55m and a site area more than 1,500sqm within Central Sydney would require the preparation of a development control plan. However, Section 2.10 of the State Environmental Planning Policy (Planning Systems) 2021 prevents the requirement of a development control plan for State Significant Development.	Yes

Provision	Comment	Compliance
	Notwithstanding, the site is subject to concept consent D/2017/349. Concept Modification SSD D/2017/349/A to incorporate modifications to the building envelope is also being assessed and is to be reported to CSPC concurrently with this SSDA.	
7.33 Sustainability requirements for certain large commercial development	The development satisfies the requirements of the sustainability requirements for large commercial development. In relation to energy standards, the ESD report states that the development will achieve a 4 Star NABERS Energy rating, as detailed in Section 3.6.1 of the Sydney DCP 2012, along with a net zero statement to outline a strategy to for the development to operate as fossil fuel-free by 2050, satisfying both the Sustainable Buildings SEPP and the Sydney LEP 2012.	Yes

Other matters

In accordance with clause 2.10 of the Planning Systems SEPP, Development Control Plans do not apply to SSD. Notwithstanding, objectives of relevant controls under the Sydney Development Control Plan 2012 have been considered throughout Section 6.

Appendix C – Response to community submissions

Table 16 | Response to community submissions

Issue	Consideration
Overshadowing to Hyde Park: - The proposal does not address Condition 9 of the Concept consent (sun access modelling) - The proposed building envelope adds significant height, causing overshadowing of Hyde Park. It is not sufficient to simply say that the Selection Panel supports additional height	The proposed overshadowing impacts to Hyde Park have been assessed in accordance with Condition 9 of the Concept SSD Approval. The proposal is accompanied by detailed solar access diagrams demonstrating a 51.42% reduction in shadows cast between 12.00pm and 2.00pm at the winter solstice. As discussed elsewhere in this report, the proposed increase in height is considered acceptable.
Public Domain to be upgraded before residential apartments are approved in the area	The proposal seeks to upgrade the public domain and provide through-site links within the site as part of the new development. Additionally, City contributions are being applied as part of the recommended conditions of consent to go towards City infrastructure.
Overprovision of hotels in the area, contributing to noise.	The site is located within the SP5 Metropolitan Centre, where hotel accommodation is permissible with consent. The proposal is accompanied by an acoustic report that demonstrates the operation of the hotel is able to comply with the relevant noise criteria. Additionally, noise and other management conditions are to be imposed to address any adverse amenity impacts to surrounding development.
Heritage impacts: the façade of the proposed building will have an impact on the heritage building at 27 Park Street, which was the first high-rise building in Sydney. Building in front of the site will impact aspects of this significant building.	The mixed use residential building at 27 Park Street is not heritage listed. Impacts from the proposal on 27 Park Street have been assessed as part of the original Concept SSD approval, the Concept Modification SSD and the SSDA. The proposed podium is of a height that responds appropriately with the predominant street wall height of surrounding sites. The development itself has been designed so that its materiality complements nearby heritage items and provides visual interest in the streetscape. Impacts relating views, solar access, building separation and privacy have been assessed as acceptable.
Lack of loading spaces / zones and parking in surrounding streets:	The proposal provides a loading dock for Council garbage truck access, service spaces, car share

Issue	Consideration
- There is a lack of loading spaces in surrounding streets, making deliveries difficult - An increase in cars within the city will affect garbage services, flora and fauna - Parking in the City is non-existent. Where will visitors park? - The bus stop on Park Street is a hazard for pedestrians.	spaces, hotel and resident car parking spaces a porte-cochere for mini buses and pick-up/drop-off as well as bicycle spaces for residents, hotel staff and visitors. Whilst the lack of loading and car spaces in the area are noted, the provision of parking within the development complies with the relevant controls, which does not permit visitor parking in the CBD. The site is also well located in close proximity to a range of transport options, including Metro stations, train stations, buses and light rail. The bus stop on Park Street is outside the scope of this development.
View impacts: - The view from Hyde Park will not be enhanced by this building - The view impact assessment inadequately considers the impact on private domain views and dismisses the impacts of the podium.	An assessment of public and private view impacts has been undertaken as part of the concurrent Concept SSD Modification. The proposal is considered to have an acceptable impact when viewed from Hyde Park and has been assessed as having a negligible impact on private views when compared to the Concept SSD Approval. This is discussed in greater detail in this report.
Wind impacts: The area has too many wind canyons caused by the height of buildings.	The proposal is accompanied by a wind assessment demonstrating that the development will not result in adverse wind conditions within the public domain, particularly when compared to the Concept SSD Approval.
Construction Impacts: - Residents in the area have lived through 5 years of noise and vibration from the Gadigal Over Station Development. This has had a huge impact - Vibrations will cause structural damage - Construction hours should not be permitted between 6pm and 7am, and not at all on Sundays or public holidays. There should not be any additional out of hours work.	The anticipated impacts of the proposed demolition, excavation and construction of the development are considered acceptable, and conditions of consent are recommended to mitigate these impacts where required. Conditions include: - Preparation of a construction traffic management plan - Preparation of a construction environmental management plan - Compliance with the City's hours of construction requirements, with no additional out of hours work permitted. - Preparation of a construction noise and vibration management plan – which will recommend respite periods and other noise control measures

Issue	Consideration
	- Compliance with standard noise and traffic management conditions - Preparation of a dilapidation report for surrounding sites pre and post demolition / excavation.
Reduced property value: Selling or renting will not be an option due to reduced property valuation during construction	Whilst noted, property values are not a matter of consideration in the assessment of a development application under section 4.15 of the EP&A Act.
Proposal does not comply with the current provisions of the LEP (in relation to height and FSR)	The SSDA is subject to savings provisions contained in Clause 1.8A(5)(b)(ii) and 6.4(1A) in relation to height and FSR respectively. This is discussed in further detail in this report, however, essentially the SSDA relies upon a concept development application that was granted approval prior to the commencement of the amendments (Sydney LEP 202 Amendment No. 64).

Appendix D – Recommended instrument of consent