

Item 6.**Development Application: 371-375 Pitt Street, Sydney - D/2020/334****File No.:** D/2020/334**Summary**

Date of Submission:	The application was lodged on 14 April 2020. Amended plans and documentation were submitted on 31 July 2020.
Applicant:	Sydney Redevelopments 1 Pty Ltd
Architect:	Crone Architects
Owner:	Sydney Redevelopments 1 Pty Ltd
Cost of Works:	\$80,449,000
Zoning:	The site is zoned B8 - Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed uses comprise retail and hotel accommodation, which are permissible with consent in the B8 zone.
Proposal Summary:	<p>The application seeks consent for a Stage 2 development application, for a 34-storey hotel development, providing 304 rooms, associated hotel facilities, a ground floor retail use, and 2 basement levels.</p> <p>The application is Integrated Development requiring approval from the NSW Office of Water under the Water Management Act 2000. General Terms of Approval were received from Water NSW on 2 June 2020.</p> <p>This detailed design development application is in accordance with concept development application D/2017/920/B which is presented to the Central Sydney Planning Committee (CSPC) concurrently with the subject application. D/2017/920/B proposes to amend the existing concept approval by slightly altering the front and rear tower setbacks. Subject to the approval of D/2017/920/B, the subject application will be consistent with the concept development consent.</p>

The development has been the subject of a competitive design process, with Crone Architects selected as the winning scheme. The proposal is generally consistent with the winning scheme and has adequately addressed the recommendations of the design competition jury panel. The proposal seeks to utilise the design excellence provisions pursuant to Clause 6.21 of the Sydney Local Environmental Plan 2012, where up to a further 10% of floor space is possible.

During the assessment the proposed development was amended, and additional information was submitted to address the following concerns of Sydney Metro, Transport for NSW, the City's Design Advisory Panel and Council officers:

- Insufficient information for Sydney Metro concurrence including geotechnical and structural report/drawings, construction methodology, cross sectional drawings, and a more detailed survey plan.
- Insufficient information to adequately assess the impact of the development proposal on the CBD Rail Link (CBDRL) (Zone B) corridor.
- Review of the position of the tower hallway windows on the north elevation.
- Further information required for the proposed waste collection arrangement and a Loading Management Plan.
- An amended Waste Management Plan required.
- Further information required to ensure the viability of the green wall.
- Amended signage strategy with more detail required as well as the deletion of signs on the upper levels.
- Minor amendments to the ESD report.

These matters have been addressed and/or justified by the applicant in the amended plans and documentation. Subject to the adoption of the recommended conditions of consent, the proposal is considered to generally achieve an acceptable degree of compliance with the relevant planning controls, and not adversely impact on the amenity of surrounding properties.

The application was notified and advertised for 28 days between 22 April 2020 and 22 May 2020 in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. Two submissions were received raising concerns regarding traffic and potential impact on views. These concerns are addressed within the report.

The amended application was not required to be renotified, as it was considered that the amended proposal was not a significant change to the original proposal and did not result in any further potential impacts.

Concurrence has been received from Sydney Metro in accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007.

Overall, the proposal responds satisfactorily to its context, and achieves a high standard of architectural design that is considered to demonstrate design excellence.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy No. 55 - Remediation of Land
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (v) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (vi) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (vii) Central Sydney Development Contributions Plan 2013

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Architectural Design Competition Report

Recommendation

It is resolved that consent be granted to Development Application No. D/2020/334 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development for a mix of land uses comprising retail and hotel accommodation is permissible in the B8 - Metropolitan Centre zone and is consistent with the objectives of the zone given that it provides for a diversity of land uses that serve the needs of the workforce, visitors and wider community, and promotes active street frontages on the main streets of the City centre.
- (B) The development subject to conditions, is considered to exhibit design excellence through its positive contribution to the streetscape and public domain. The development is generally consistent with the winning scheme of a competitive design process and achieves a high standard of architectural design, materials and detailing. The development 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 of the site. The development therefore achieves design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.
- (C) The proposed development is consistent with the concept approval and modified building envelope under D/2017/920/B.
- (D) For the reasons above, the development is in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lots A and B in DP 407286, and has a street address of 371 and 373-375 Pitt Street, Sydney. This site is irregular in shape, with an area of 618.9sqm. It has a 16.9m frontage to Pitt Street, and a depth of 32.8m. There is a slight fall to the south. The site contains a 3-storey building fronting Pitt Street as well a 4-storey building located at the rear, which are separated by a hardstand area.
2. Access to the site (and adjoining sites) is provided by a private 2.97m wide "laneway" that adjoins the northern boundary of the site. Various Rights of Way and Carriageway affect this lane. The majority of the lane is located within the land adjoining to the north (369 Pitt Street). However, a strip of land, 0.305m wide, is located along the northern boundary of the site (within the subject land) and the property to the north has a Right of Way over this strip. There is another Right of Way, parallel to Pitt Street and running through the centre of the site, however this Right of Way on the subject land only services the properties that are the subject of this application (and will likely be extinguished with any future site consolidation).
3. The site is not a heritage item and is not located within a heritage conservation area.
4. Surrounding development comprises a mix of uses and buildings, as follows:
 - (a) Immediately to the north is a two storey building at 369 Pitt Street. The Right of Carriageway is contained within this site. Another Right of Carriageway continues behind this building, with another two storey building located on the western side of the driveway.
 - (b) Further to the north is a five storey building at 363-367 Pitt Street, which is currently used for retail and commercial uses. Further north is a 50-storey residential tower known as Century Tower at 343-367 Pitt Street.
 - (c) Directly south is a four storey commercial building at 377 Pitt Street.
 - (d) Further to the south is Fayworth House at 379-383 Pitt Street which is 7-storeys in height and is a locally listed heritage item ('11944'). Further south west at 114-120 Liverpool Street, is a three storey building comprising commercial uses. World Square and Horden Towers (comprising residential development) are also located further to the south, on the southern side of Liverpool Street.
 - (e) The rear of the subject site shares its western boundary with 7 Central Street and 98 Liverpool Street, which is a large and irregularly shaped. It contains a number of single and two storey buildings set amongst a forecourt and central yard and is a State listed heritage item known as Central Local Courthouse and Holding Cells ('11707'). Brickfield Place a courtyard fronting Liverpool Street is within this site and is identified as a local heritage item '11852'). A two storey building is located immediately adjacent to the boundary with the subject site.

- (f) To the east across Pitt Street are 324-330 Pitt Street, 332-336 Pitt Street and 338-348 Pitt Street, 241-243, 245-247 and 249-253 Castlereagh Street, and 126-130 Liverpool Street, which currently contain commercial development up to 24-storeys in height. These form a larger site known as 338 Pitt Street that has approval for Concept Development Application D/2016/1509, which was determined on 28 February 2018 for a building envelope with height of 325m (66 storeys) and indicative land uses of retail, commercial and hotel accommodation in the podium and residential uses in the tower above. A Stage 2 State Significant Development (SSD) DA is currently under assessment for the site, which seeks to construct a 257m high mixed-use development for commercial, hotel and residential uses. This exhibition period for this SSD concluded on 17 August 2020. This SSD has been delegated to the Council for assessment and to the CSPC for determination.

5. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area, site outlined in red



Figure 2: Aerial image of subject site and surrounding area, site outlined in red



Figure 3: Existing Pitt Street frontage. Subject site outlined



Figure 4: Right of way, looking west



Figure 5: Right of way, looking towards Pitt St



Figure 6: Rear buildings on site



Figure 7: West side of Pitt Street looking south



Figure 8: East side of Pitt Street looking north



Figure 9: Fayworth House, at the junction of Pitt Street and Liverpool Street



Figure 10: Central Local Courts and Brickfield Place, taken from Liverpool Street



Figure 11: Central Local Courts and Brickfield Place

Proposal

6. The application seeks consent for the demolition of all existing structures, excavation, and construction and use of a hotel and commercial building development. The building contains a 4-storey podium with a 30-storey tower above, and 2 basement levels, as detailed below:

Basement:

- (a) Basement Level 2: End of trip facilities, bicycle parking, waste storage, plant, vehicle turntable and 2 loading bays
- (b) Basement Level 1: Plant and substation

Podium:

- (a) Ground floor: Retail tenancy presenting to Pitt Street and lane, and hotel lobby at rear. The ground floor level also includes an awning fronting Pitt Street.
- (b) Level 1: Hotel restaurant. The proposed public art comprising curvilinear steel elements extends from the fenestrations along the northern facade of this level.
- (c) Level 2: Hotel lobby including podium level outdoor terrace facing west
- (d) Level 3: Hotel administration and back of house

Tower

- (a) Level 4: Hotel gym including podium level outdoor terrace facing east (Pitt St)
 - (b) Level 5: Plant
 - (c) Levels 6-33: Hotel rooms (304 in total)
 - (d) Level 34: Rooftop bar
 - (e) Level 34 mezzanine: Plant
7. The proposal includes a widening of the existing private "laneway", with a 3m northern boundary setback for Ground Floor and Level 1 of the podium. This extended laneway provides pedestrian access to the retail use at the site's frontage as well as the hotel entry at the site's rear. Vehicular access is maintained via the existing right of way, with vehicle lift access to the basement levels, which only contains two loading bays, also accessed from the extended laneway.
8. The proposed materials and finishes for the podium includes recycled traditional masonry brick walls a brick veneer with recycled bricks, and extensive metal framed glazing. The façades of the tower mostly incorporate rectilinear shear walls of traditional window glazing and linear masonry infill, and the southern façade comprises simplified traditional masonry or similar brick-slip construction as panelised elements.
9. Photomontages, selected drawings and a numerical summary table of the proposed development are at Figures 12 to 44 below. A full set of architectural drawings is provided at Attachment B.

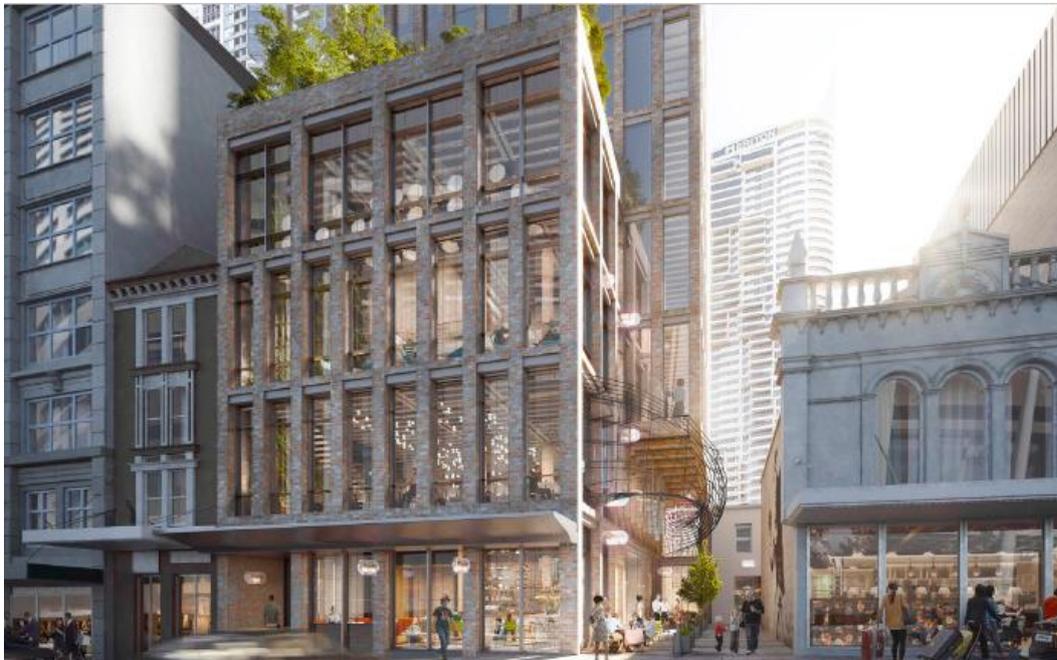


Figure 12: Photomontage - Pitt St



Figure 13: Photomontage - Pitt St



Figure 14: Photomontage - rear / west facade



Figure 15: Photomontage of podium - northern facade



Figure 16: Photomontage of podium illustrating existing Right of Way (A) and proposed extension of laneway (B)

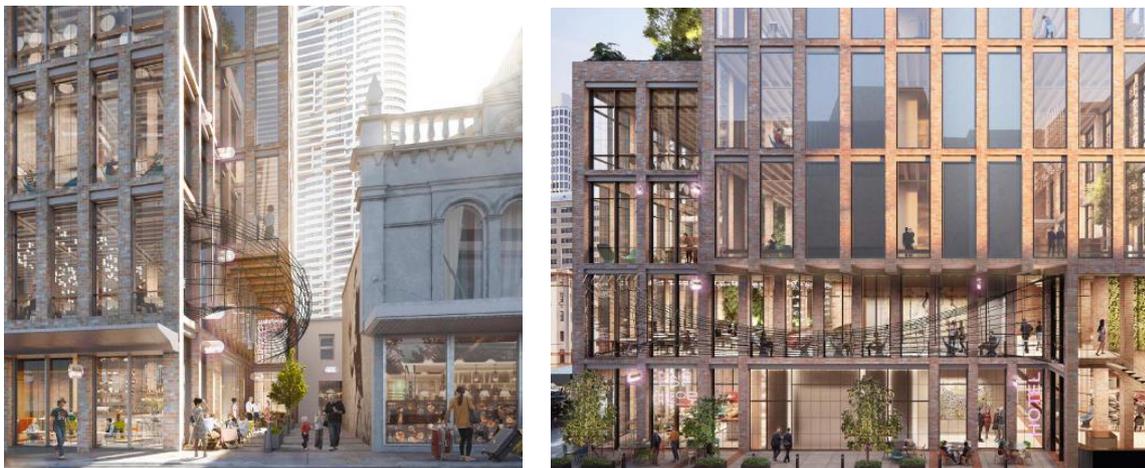


Figure 17: Photomontage showing laneway public artwork by Chris Fox

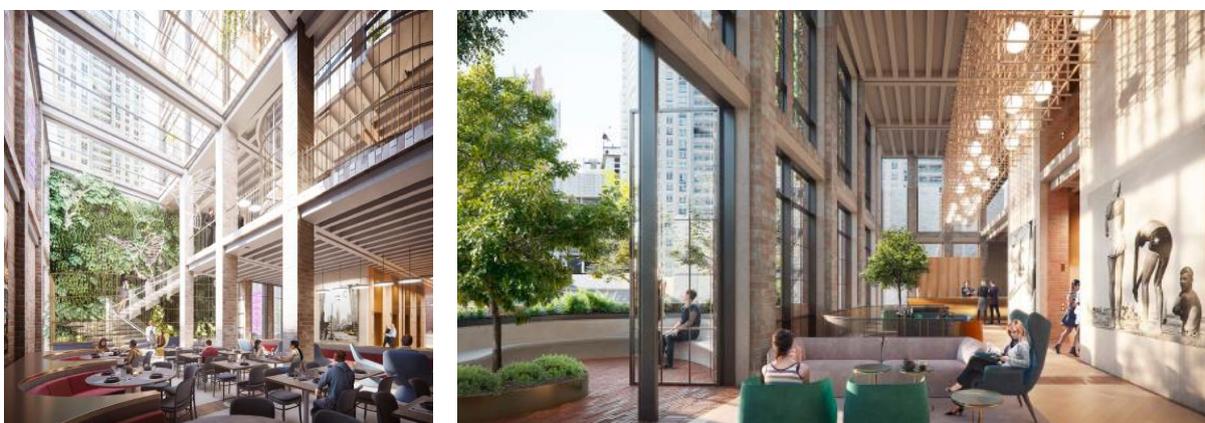


Figure 18: Photomontages showing ground floor level hotel entry at rear, & level 2 lobby and lounge

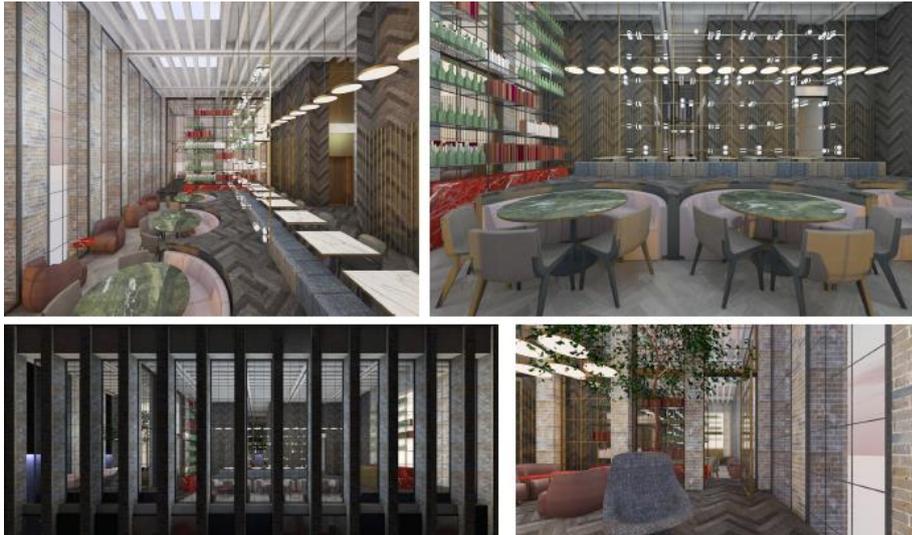


Figure 19: Photomontages of rooftop bar

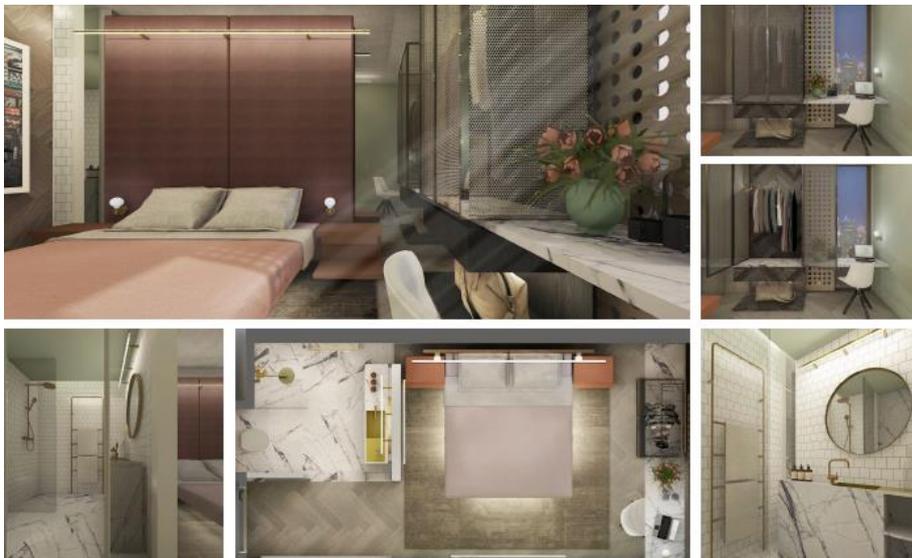


Figure 20: Hotel room layout

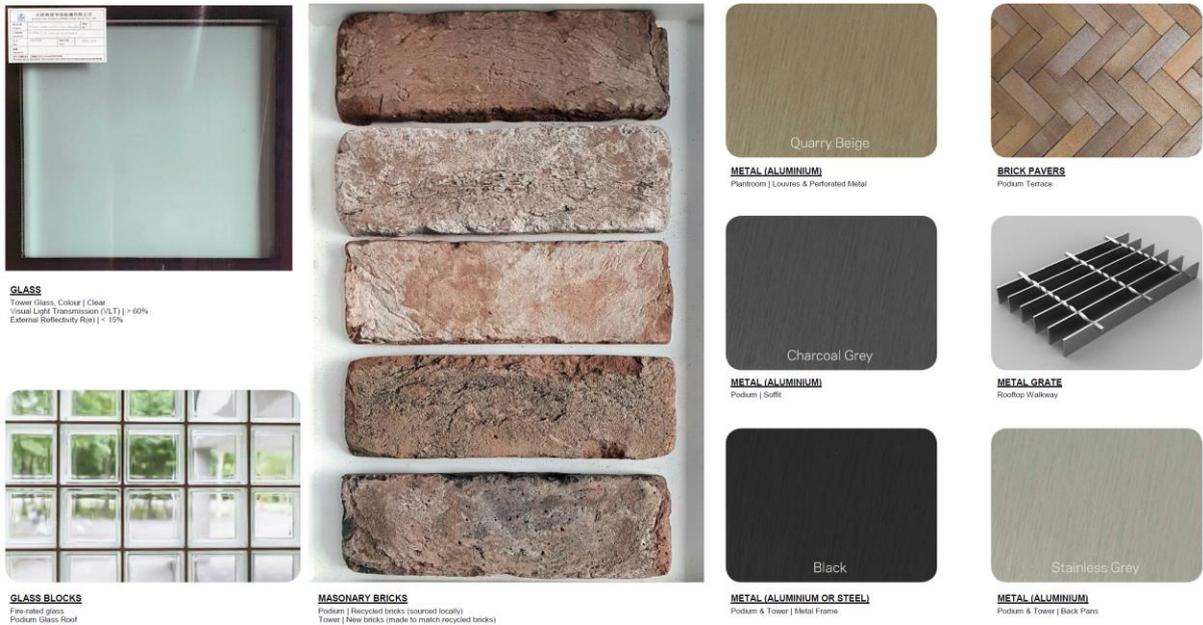


Figure 21: Proposed samples board

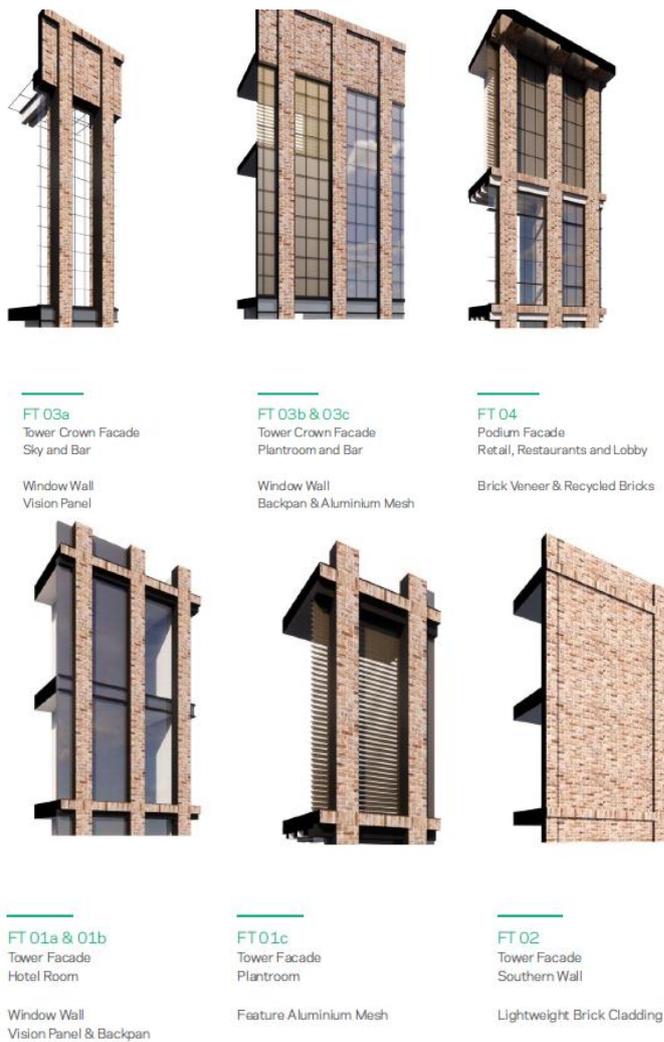


Figure 22: Facade types

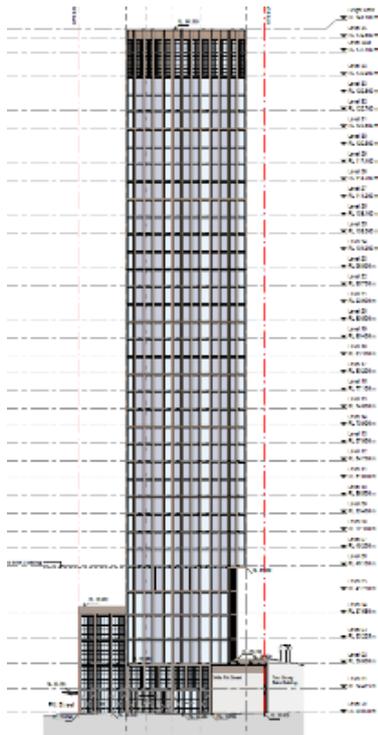


Figure 23: North (laneway) elevation

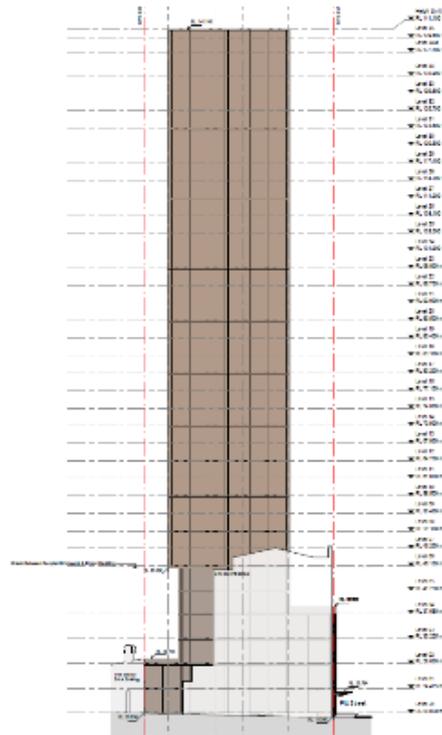


Figure 24: South elevation

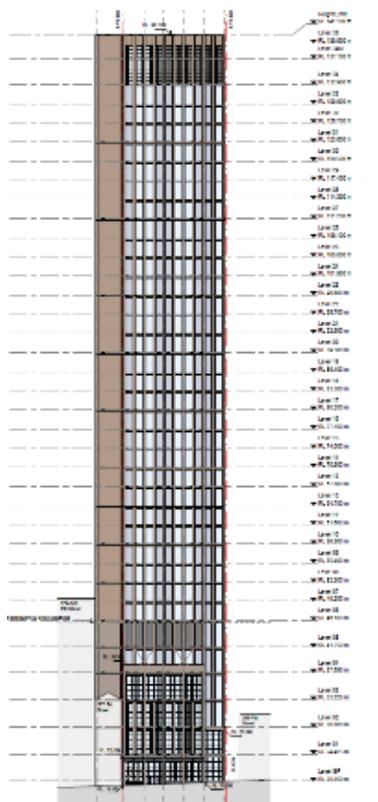


Figure 25: East (Pitt Street) elevation

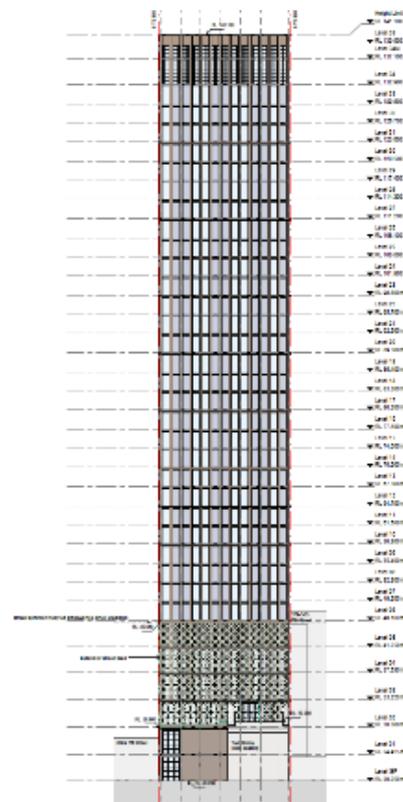


Figure 26: West elevation



Figure 27: East (Pitt Street) elevation - streetscape

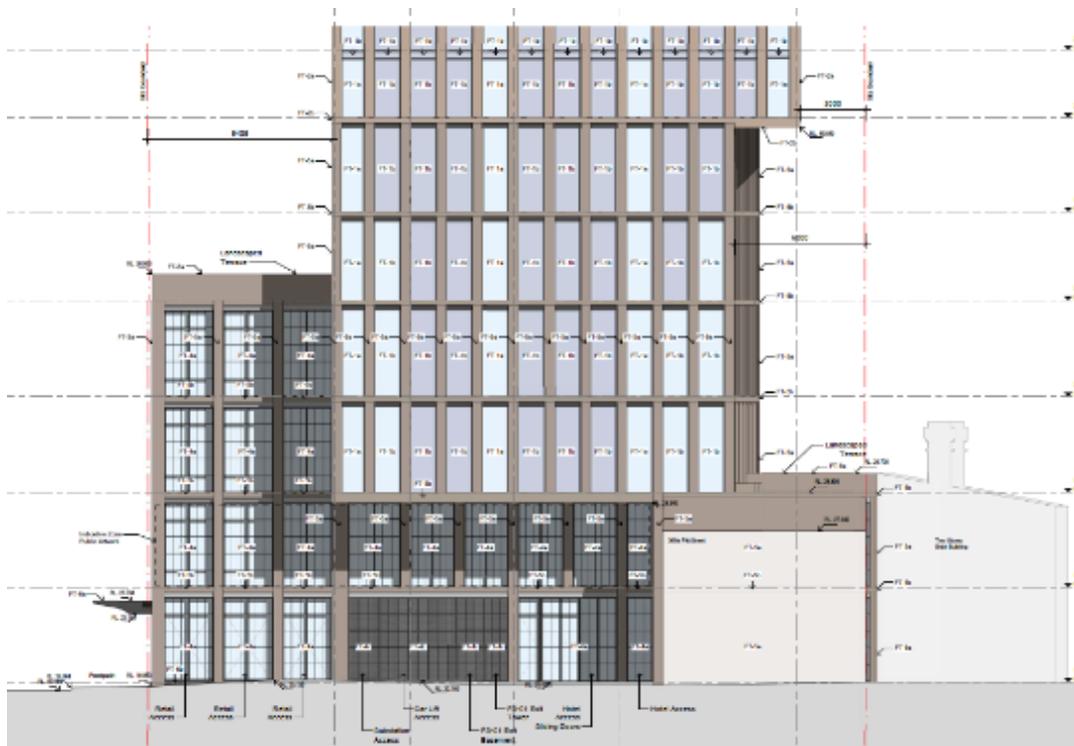


Figure 28: North (laneway) elevation - streetscape

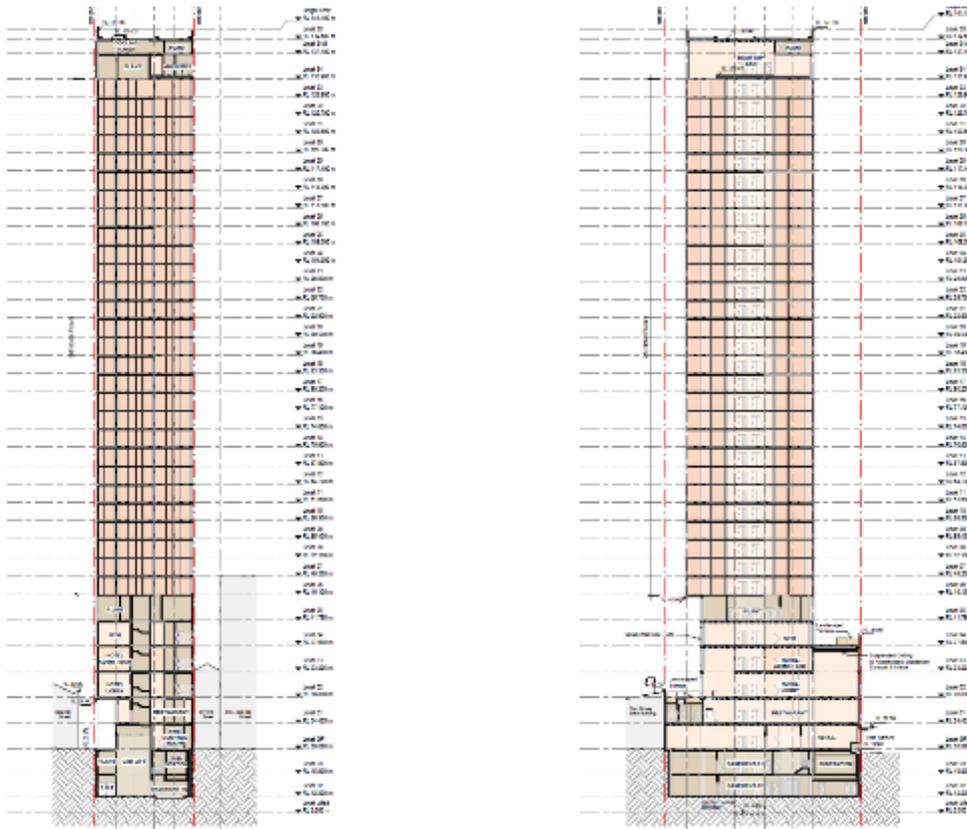


Figure 29: Sections

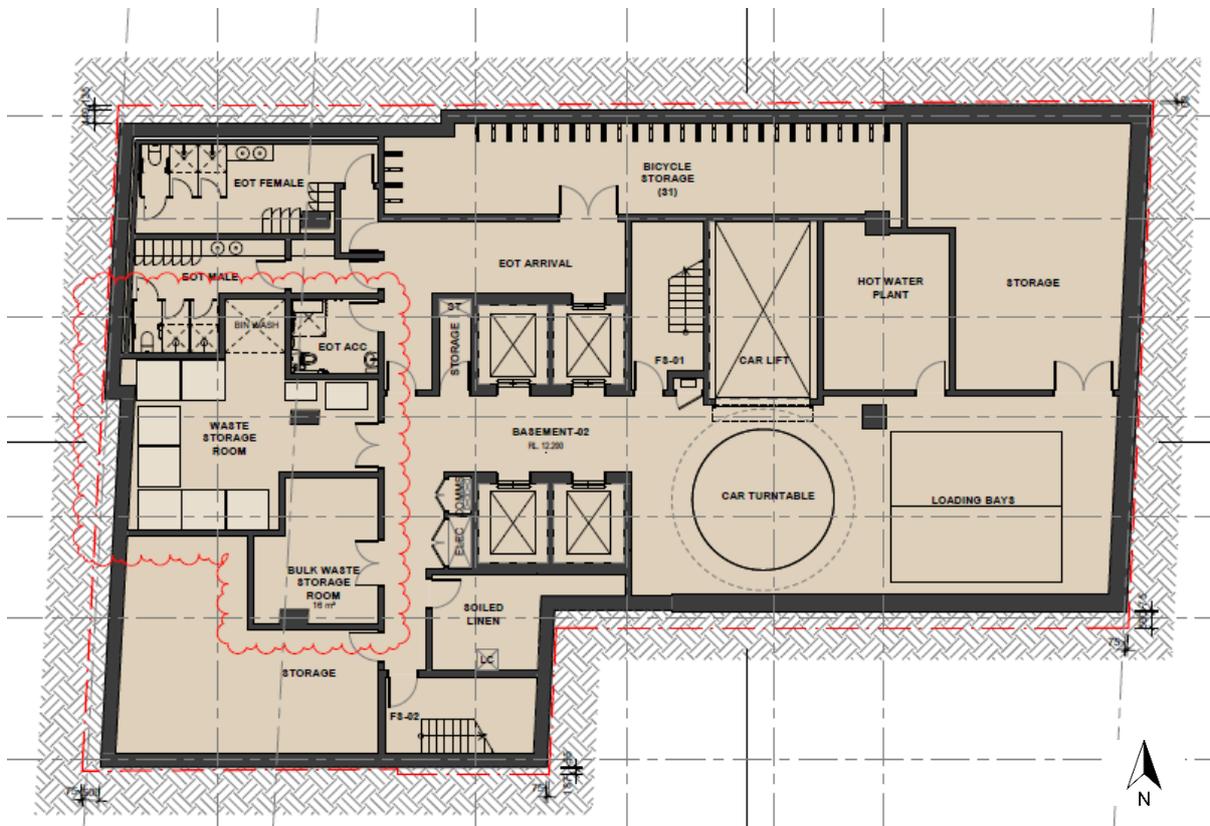


Figure 30: Basement Level 2

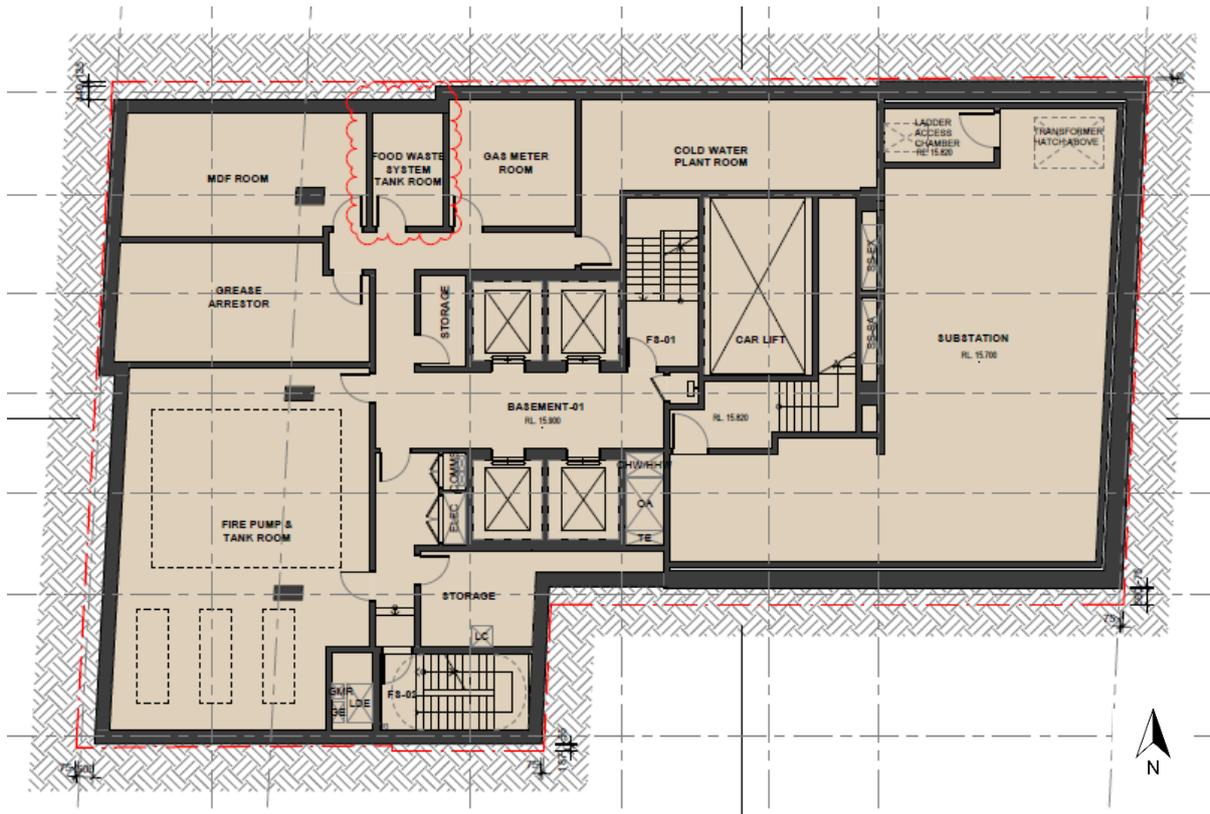


Figure 31: Basement Level 1

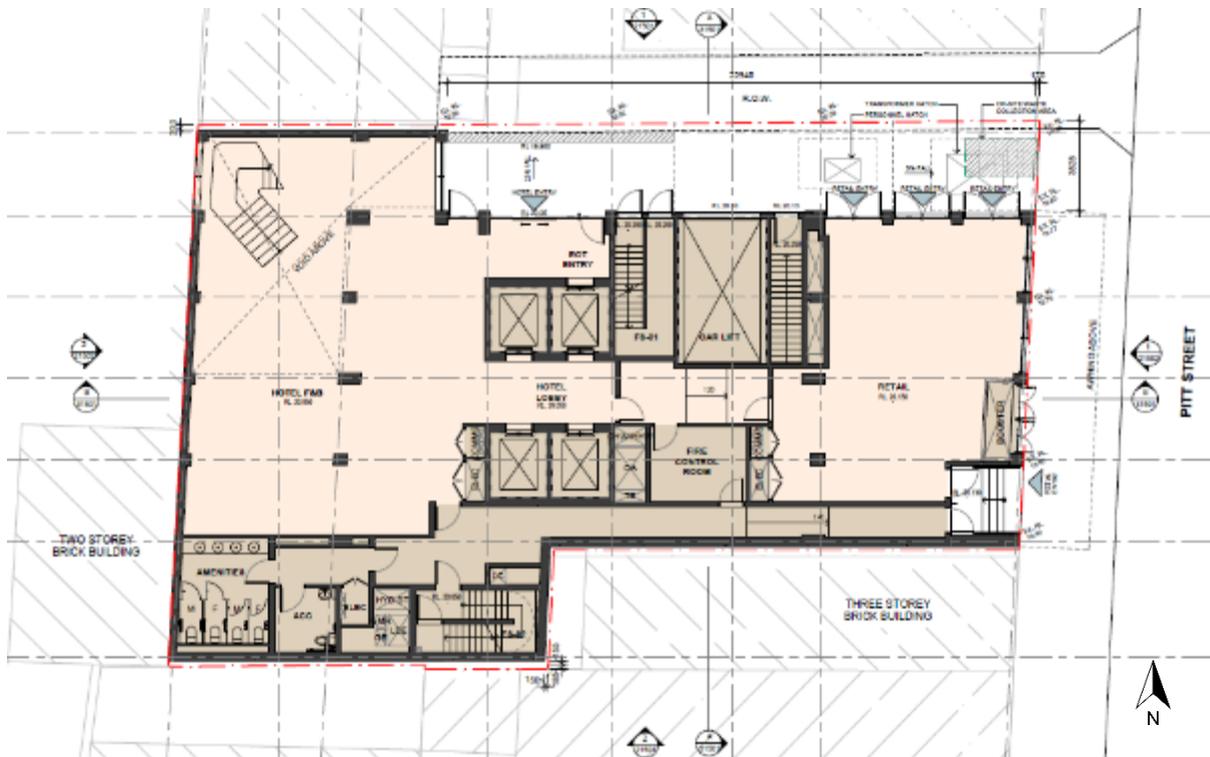


Figure 32: Ground floor plan - retail and hotel entrance

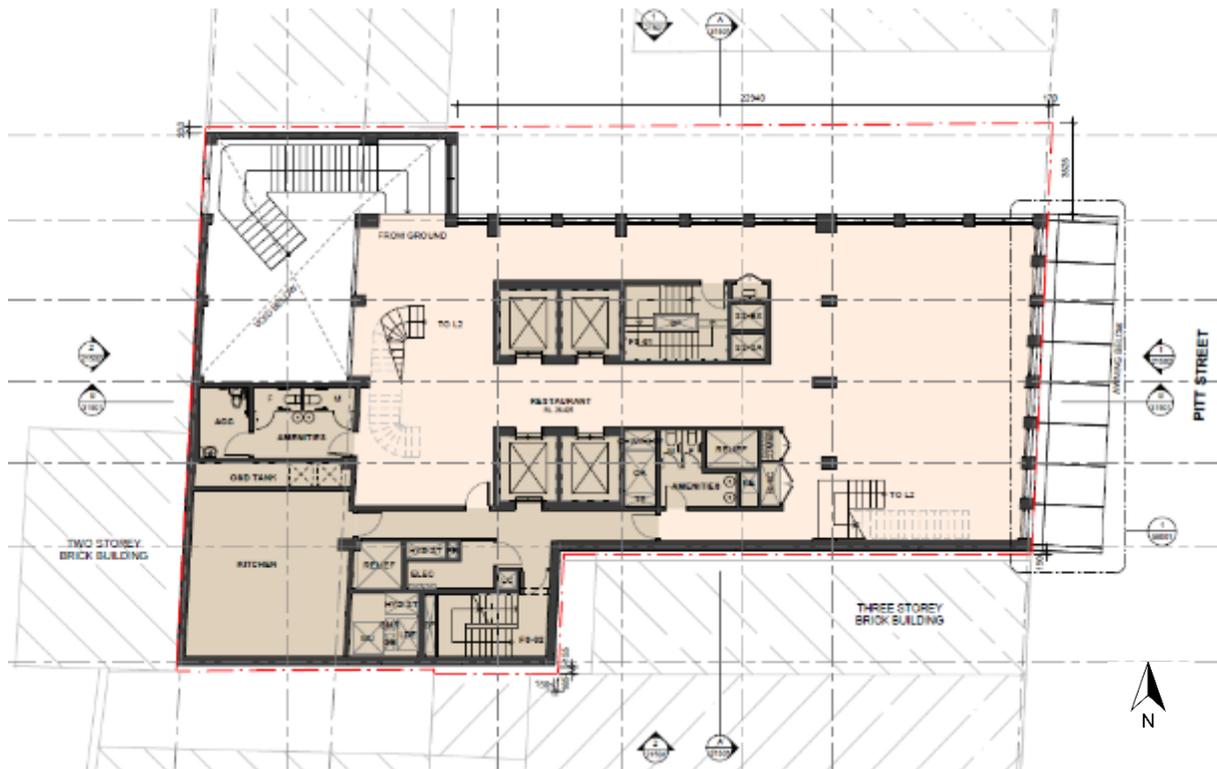


Figure 33: Level 1 plan - restaurant

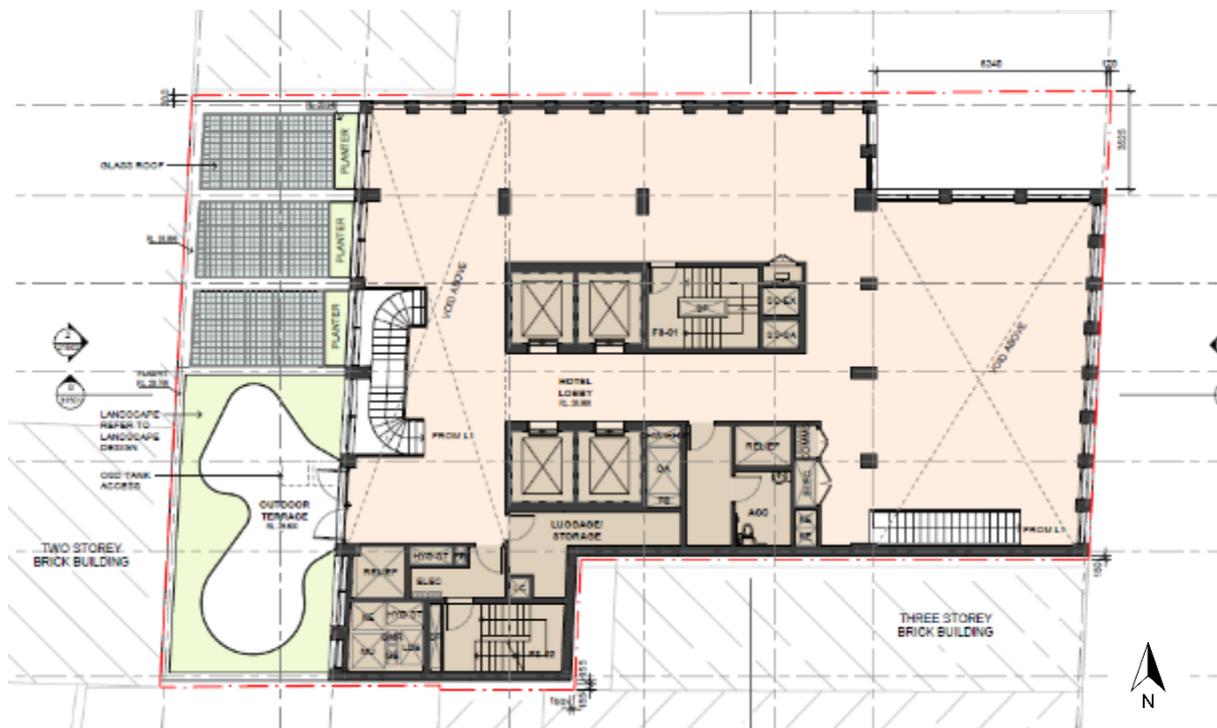


Figure 34: Level 2 plan - hotel lobby

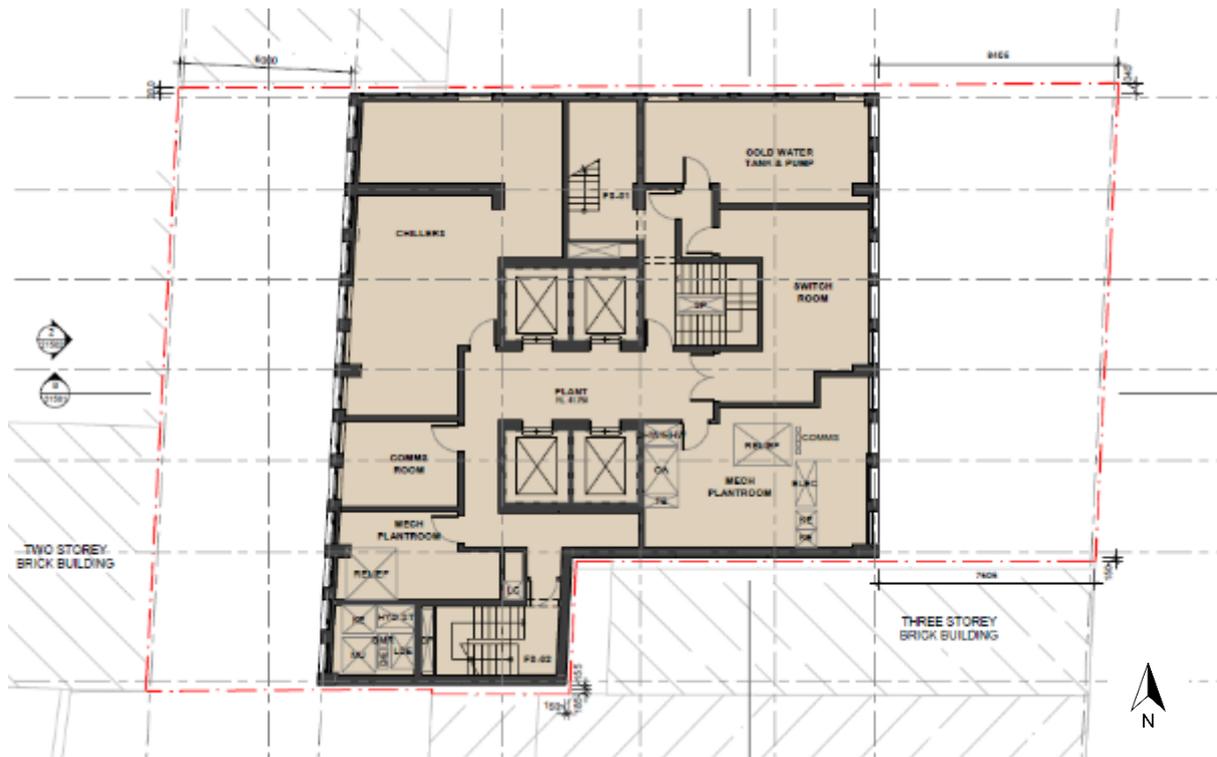


Figure 37: Level 5 plan - plant

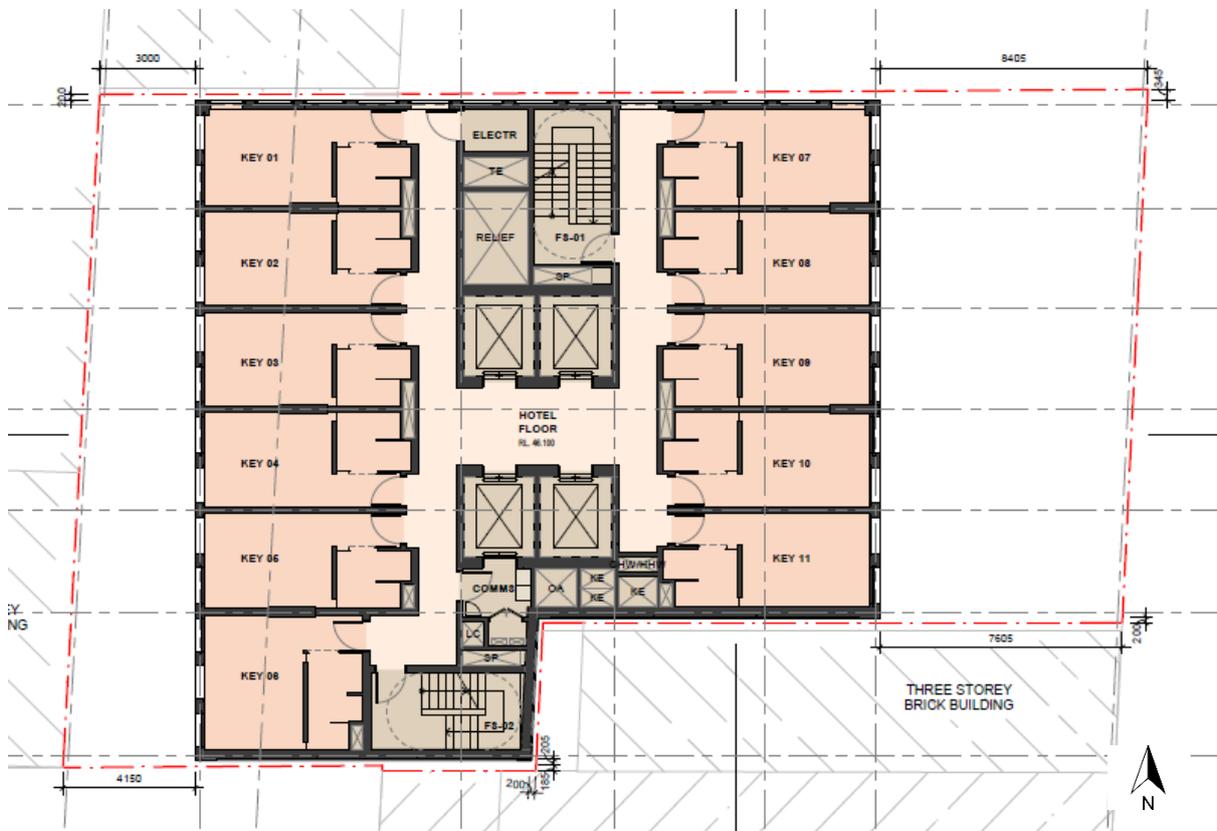


Figure 38: Level 6 plan - hotel rooms

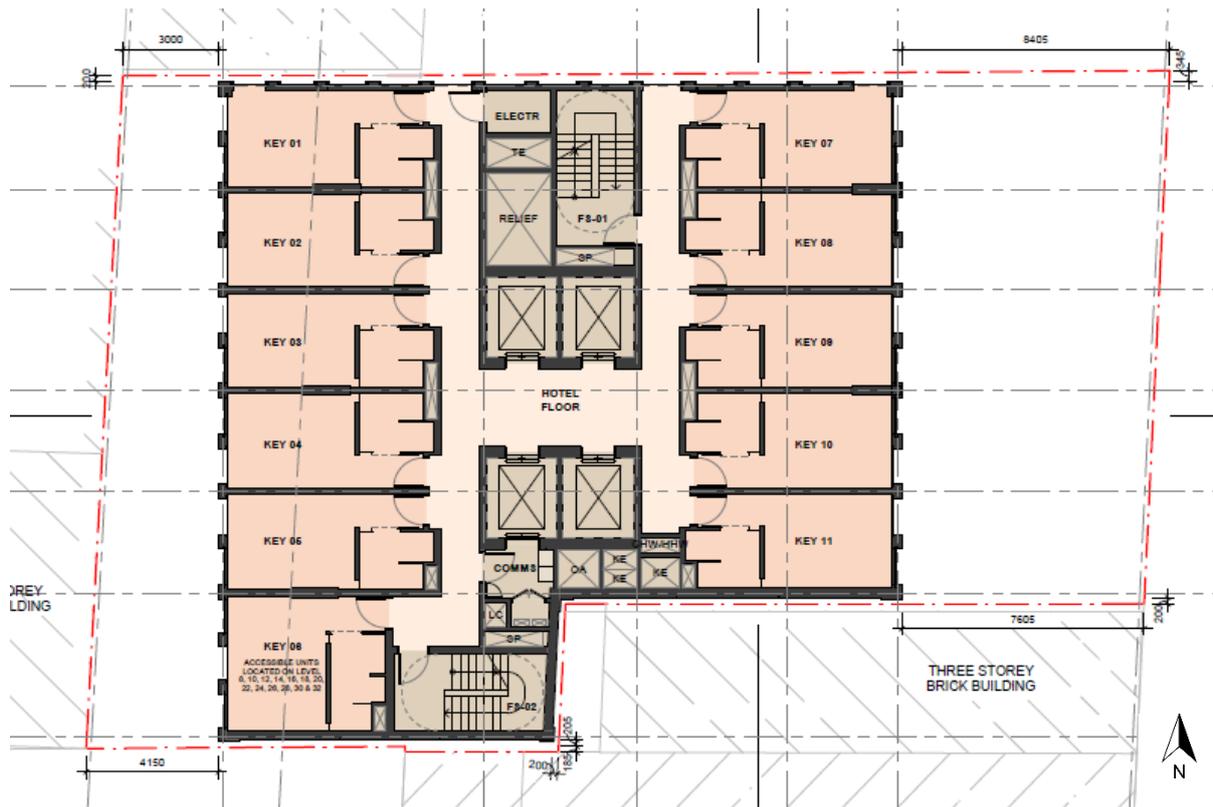


Figure 39: Levels 7-32 plan - typical hotel rooms



Figure 40: Level 33 plan - suites

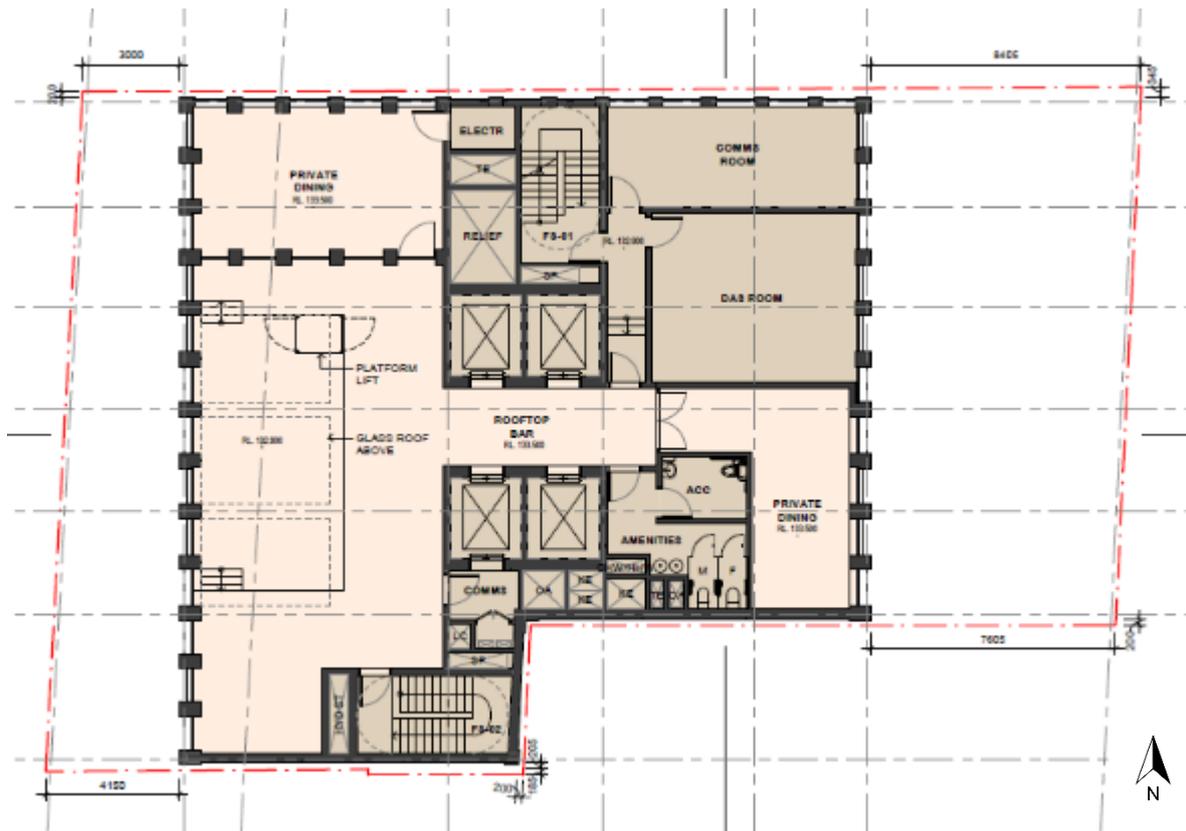


Figure 41: Level 34 plan - rooftop bar

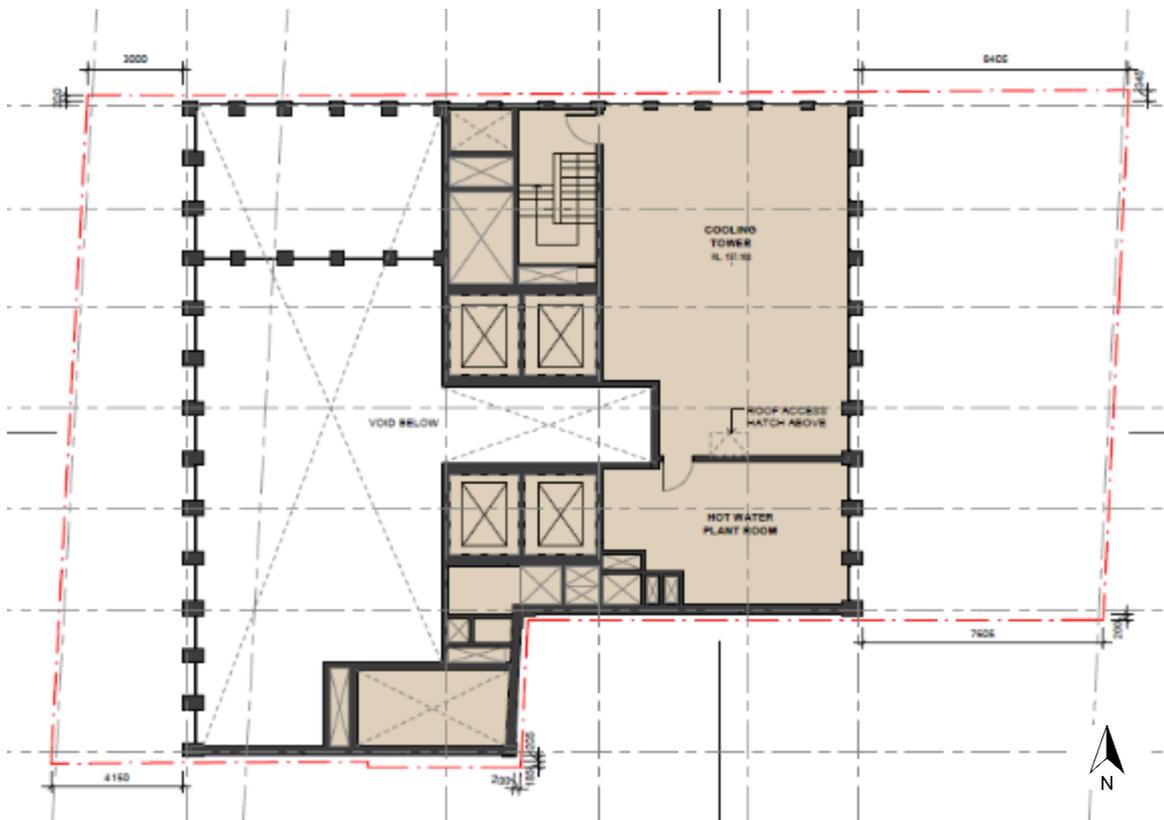


Figure 42: Level 34 mezzanine level plan - plant

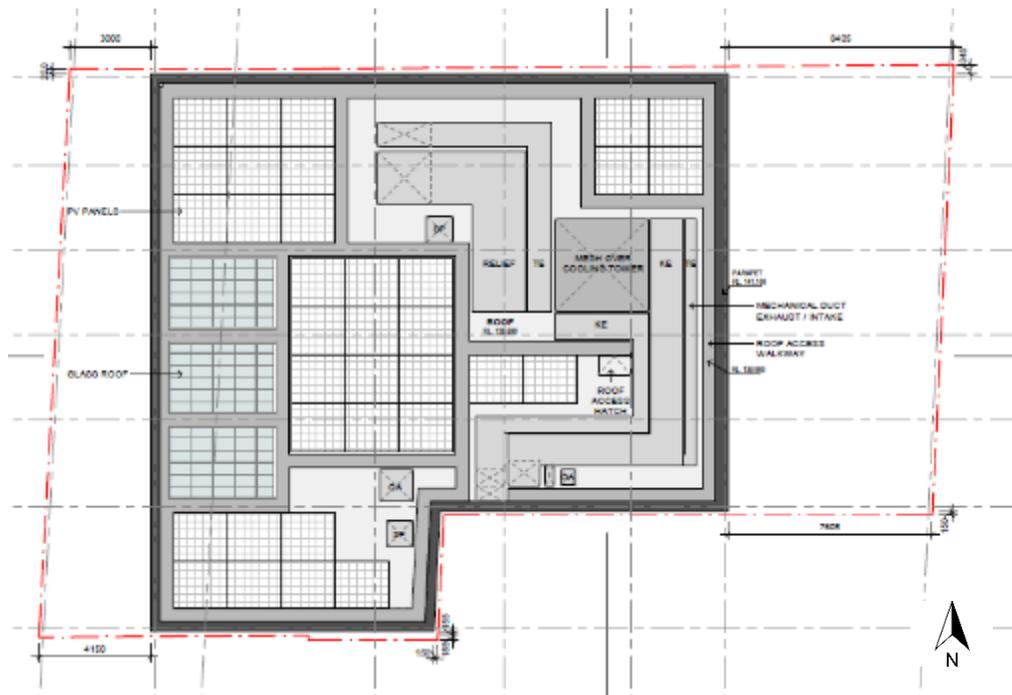


Figure 43: Roof level plan

Element	Proposed
Site Area	618.9 square metres
Gross Floor Area	Retail: 85 square metres Hotel: 9,435 square metres Total: 9,520 square metres
Floor Space Ratio	15.38:1
Height	Maximum height of RL141.1 or 121.7 metres
Storeys	34 storeys + roof top bar
Setbacks	As per building envelope (as amended via concurrent S.455 modification) <ul style="list-style-type: none"> Podium: <ul style="list-style-type: none"> nil front nil rear 3m from northern boundary for lower levels Tower: <ul style="list-style-type: none"> nil sides 3m-4.2 rear 7.4m-8.4m front
Hotel Rooms	304
Commercial tenancies	1
Bicycle Parking	31
Loading Docks	2

Figure 44: Development summary of proposal

History Relevant to the Development Application

Stage 1 Approval

10. On 12 July 2017, a Stage 1 development application (D/2017/920) was lodged seeking in-principle approval for demolition of existing buildings and for a 34-storey building envelope with a height up to 121.7m and indicative retail and hotel lobby uses at ground level, commercial uses and services in the podium levels above and a hotel use (252 rooms) of the remaining floors in the tower.
11. Matters raised during the assessment of the application largely related to the relationship of the proposal with the neighbouring heritage buildings including Brickfield Place and the Central Courts, as well as the need for a better transition in the street wall on Pitt Street.
12. On 18 September 2017, a Class 1 Appeal was lodged at the Land and Environment Court.
13. During the Court proceedings, the application was amended, as follows:
 - (a) reduction in the street wall height of the podium to Pitt Street from 30.2m to 19.5m;
 - (b) reduction in the height of the rear or western wall of the podium from 30.2m to 10.3m;
 - (c) introduction of a 6m rear boundary setback above the podium for a height of 15.4m;
 - (d) introduction of a 750mm setback from the rear or western boundary for the basement level;
 - (e) nomination of a public art zone for a 10.3m high section of the northern wall of the podium at the east end; and
 - (f) amendment of the indicative design of the ground floor plan to achieve satisfactory manoeuvring for service vehicles.
14. On 16 February 2018, development consent D/2017/970 was granted by Section 34 agreement in the Land and Environment Court proceedings for a 34-storey building envelope (as detailed above) comprising indicative retail and hotel uses.

D/2017/920/A

15. A Modification Application to the Stage 1 approval, D/2017/920/A, was approved on 9 August 2019 to modify Condition 9 (Competitive Design Process) to update the referenced design excellence strategy. The updated strategy provides for an architectural design competition (as opposed to a competitive design alternatives process), as well as a change to the ESD commitment.

Competitive Design Process

16. Following the Stage 1 consent, an architectural design competition process was held for the site. Seven architectural firms, two of which were partnered to comprise six competitors, submitted a design proposal.
17. The competition resulted in the Crone Architects design being selected as the winning scheme on 27 November 2019, following presentations and jury deliberations. The jury of the design competition resolved that the Crone scheme best demonstrated the ability to achieve design excellence as per Clause 6.21 of the Sydney LEP 2012 and the architectural design competition Brief requirements.
18. Photomontages of the winning scheme are provided below.



Figure 45: Indicative Ground Level perspective of winning scheme



Figure 46: Indicative perspective of winning scheme from Brickfield Place

19. The jury identified the following key elements that contributed to the success of the Crone scheme and which were identified to be retained as part of the detailed design:
- (a) The materiality and facade design, specifically the brickwork which is a critical component. At a minimum, the recycled brick is to be retained within the podium.
 - (b) Facade articulation, depth and expression, including the horizontal expression of the southern elevation and gridded articulation of the northern elevation.
 - (c) Integration of the public art proposal along the northern elevation.
 - (d) Increased setback to the laneway and activation along the full length of the laneway.
 - (e) Incorporation of natural light, including access to light in the common corridor, provision of voids in the podium and use of as clear glass as possible in the podium.
 - (f) Green wall to the western elevation.

20. The jury also noted several matters that required further resolution prior to the lodgement of a detailed design development application, as follows:
- (a) The exposed structure was commended particularly in relation to the podium spaces, and the detailed DA proposal could elevate this through incorporation of underfloor services.
 - (b) Consideration of the materiality of the podium glazing on the northern elevation, which could incorporate drenched glazing.
 - (c) Revisit the internal spatial planning to ensure the scheme meets the requirements of the hotel operator and applicable Australian Standards. This includes consideration of the width and efficiency of the corridors in the hotel floors. Consideration to be given to accommodating a narrower lift core.
 - (d) Investigate the possibility of straightening the eastern elevation of the tower to create a rectangular floorplate, subject to demonstrating overshadowing complies with the Concept DA and obtaining support from the City of Sydney.
 - (e) Further resolution of the waste management strategy. The scheme must demonstrate compliance with the waste management requirements of the Sydney DCP 2012 and Council's "Guidelines for Waste Management in New Developments". Service/ waste vehicles are to enter and exit the site in a forward direction.
21. A response to these recommendations is provided in the Issues Section.

D/2017/920/B

22. A Modification Application to the Stage 1 approval, D/2017/920/B, was lodged on 14 April 2020 to amend the approved building envelope of the Concept DA approval to slightly alter the east and west tower setbacks. That application is being presented as a separate report for the CSPC's consideration.

During the assessment of the subject application

23. On 11 June 2020, the proposal was considered by the Design Advisory Panel (DAP). DAP generally supported the proposal and provided several recommendations, as follows:
- (a) Engage a skilled landscape architect to further develop the building's green wall and ground plane interface with the public domain. The Panel noted that the green wall is a critical element to the success of the development. Deep soil provision needs to be improved.
 - (b) Planning conditions are introduced to ensure transparency and accessibility are maintained between the building ground floor and the adjacent access lane/ driveway.
 - (c) Waste management strategy resolution is essential; particularly the building's waste storage so that bins do not clutter the building's street address.
 - (d) Ensure density of window fenestration on the podium levels is maintained during design development to preserve the proposal's current design intent.

- (e) Review the position of upper floor hallway windows. Room layouts could be adjusted to facilitate recessing these windows to allow future lightwells should adjacent sites be redeveloped.
24. On 13 July 2020, a request for additional information letter was issued to the applicant. Matters raised included the following:
- (a) Sydney Metro - request for geotechnical and structural report/drawings, construction methodology, cross sectional drawings, and a more detailed survey plan.
 - (b) Transport for NSW (TfNSW) - request for geotechnical report, a structural assessment, confirmation that the acoustic report addresses the TfNSW Corridor Protections requirements, and an electrolysis report.
 - (c) North elevation - Following DAP's recommendation, request for the applicant to review the position of the tower hallway windows with the provision of lightwells.
 - (d) Servicing - further information required for the proposed waste collection arrangement and a Loading Management Plan.
 - (e) Waste - an amended Waste Management Plan.
 - (f) Landscaping - further information required to ensure the viability of the green wall including the engagement of a green wall specialist, an overshadowing assessment of the green wall, and a wind assessment of the landscaped terrace areas.
 - (g) Signage - amended signage strategy with more detail required as well as the deletion of signs on the upper levels.
 - (h) Environmental performance - minor amendments to the ESD report.
25. On 31 July 2020, the applicant provided a response to the request for the additional information, largely addressing matters raised.
26. Following this, Sydney Metro required further information in order to grant Concurrence. Refer to the Infrastructure SEPP Section below for detail.

City of Sydney Act 1988

27. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

- (1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.
- (2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.
- (3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.
- (4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."
28. Having liaised with the City's Transport Planning Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD, and consultation with the CSTTC is not necessary.

Economic/Social/Environmental Impacts

29. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

Water Management Act 2000

30. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the application was forwarded to Water NSW as Integrated Development, as the proposed basement levels will have an impact on groundwater levels as groundwater is expected to be encountered with the depth of excavation.
31. Water NSW provided General Terms of Approval on 2 June 2020, which have been included in Attachment A of this report.

State Environmental Planning Policy No 55—Remediation of Land

32. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. A Detailed Environmental Site Investigation was submitted with the development applicant. The City's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

34. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45

35. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development will require a substation and was referred to Ausgrid for comment. No response was received.

Clause 85

36. The application is subject to Clause 85 (Development adjacent to rail corridors) of the SEPP, given the location of the site in proximity to the rail corridor, and was required to be referred to Sydney Trains for comment.
37. On 4 June 2020, Sydney Trains provided a response to the proposal, with recommended conditions to be included in the consent.

Clause 86

38. The application is subject to Clause 86 (Excavation in, above, below or adjacent to rail corridors) of the SEPP due to the proposal's proximity to Sydney Metro City and Southwest corridor, and in accordance with the Clause, was referred to Sydney Metro.
39. On 1 May 2020, Sydney Metro advised that further documentation was required to be prepared, including a geotechnical and structural report/drawings, construction methodology, cross sectional drawings, and a more detailed survey plan.
40. On 31 July 2020, the applicant submitted the additional information requested. However, on 20 August 2020, Sydney Metro requested that further information be provided that is compliant with the Sydney Metro Underground Corridor Protection Guidelines to demonstrate that there are no adverse impacts on the Sydney Metro infrastructure.
41. On 26 August 2020, a meeting was arranged between the applicant and relevant consultants, representatives from Sydney Metro and Council to clarify and discuss the outstanding matters.
42. In response, the applicant submitted further documentation on 8 September 2020, 22 September 2020, and 2 October 2020.
43. On 7 October 2020 Sydney Metro granted concurrence for the proposal, subject to the imposition of recommended conditions.

Clause 88

44. The application is subject to Clause 88 (Development within or adjacent to interim rail corridor) of the SEPP as the proposed works are located in proximity to the CBD Rail Link (CBDRL) (Zone B) corridor and was required to be referred to TfNSW.
45. On 30 April 2020, TfNSW advised that further documentation was required to be prepared, including a geotechnical report, an updated SEE addressing impacts to the CBDRL, a structural assessment, confirmation that the acoustic report addresses the TfNSW Corridor Protections requirements, and an electrolysis report.
46. On 31 July 2020, the applicant submitted the additional information requested.
47. On 11 August 2020, TfNSW provided a response, with recommended conditions.

State Environmental Planning Policy No 64—Advertising and Signage

48. The application involves a signage strategy indicating the location, size and dimensions of signage zones for business identification as follows:
 - (a) Signage zones along Pitt Street:
 - (i) 3 x under awning signs along Pitt Street frontage, each measuring 0.725m wide x 0.45m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text (wording not specified).
 - (ii) 1 x flat mounted wall sign on inside face of wall at southern entry, measuring 1.4m wide x 0.4m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text '371-375 Pitt Street'.
 - (b) Signage zones along laneway / north elevation:
 - (i) 3 x projecting wall signs at first floor level, each measuring 0.725m wide x 0.45m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text (wording not specified).
 - (ii) 4 x projecting wall signs at ground floor level, each measuring 0.725m wide x 0.45m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text (wording not specified).
49. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.
50. As proposed, it is considered that the proposed signage strategy has the capability of satisfying the relevant aims and assessment criteria of SEPP 64, subject to conditions and as discussed in the Issues section of this report.

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

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

52. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
- (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
53. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

Draft Central Sydney Planning Strategy

54. The Draft Central Sydney Planning Strategy is a long term strategy for business and residential development in Central Sydney that maintains Sydney's global status. It revises previous planning controls, and introduces 'key moves' to identify opportunities for development in Central Sydney to meet the demands of growing numbers of workers, residents and visitors and their changing needs.
55. The key moves are actioned through a Planning Proposal, which recently concluded its public consultation period.
56. The Strategy introduces new 'tower clusters', which is a new planning pathway for heights and densities above the established maximum limits to create growth opportunities for employment floor space, promote the efficient use of land, and encourage innovative design. These are focused in areas of Central Sydney that are less constrained by sun access planes.
57. The subject site is located outside of one the tower clusters in the Draft Central Planning Strategy.

Sydney Local Environmental Plan 2012

58. The site is located within the B8 - Metropolitan Centre zone. The proposed use is defined as a '*tourist and visitor accommodation*' and '*retail premises*' and is permissible.
59. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 235m is permitted. A height of 121.7m is proposed.

Development Control	Compliance	Comment
<p>4.4 Floor Space Ratio</p> <p>6.4 Accommodation Floor Space</p> <p>6.21 Design Excellence</p>	Yes	<p>A base FSR of 8:1 (4,951.2sqm of GFA) is permitted.</p> <p>The site is located within 'Area 2' on the FSR LEP Map and is therefore eligible for additional accommodation floor space, as follows:</p> <ul style="list-style-type: none"> • <i>Retail</i> - up to 4.5:1 <p>Proportionate to the land use proposed - 4.5:1 x 0.89% = 0.04005:1 / 24.8sqm</p> <ul style="list-style-type: none"> • <i>Hotel accommodation</i> - up to 6:1 <p>Proportionate to the land use proposed - 6:1 x 99.11 = 5.95:1 / 3,680.4sqm</p> <p>The applicant is seeking to avail of this additional floor space (3,705.2sqm in total). Together with the base FSR, this equates to 8,656.34sqm of GFA.</p> <p>Additionally, a development demonstrating design excellence, as a result of a design competition, is also eligible for 10% additional floor space. As such, 865.63sqm of bonus floor space is also sought.</p> <p>Based on the above, an FSR of 15.38:1 and a total GFA of 9,521.97sqm is sought, which complies with the controls.</p>
5.10 Heritage conservation	Yes	<p>The site is not a heritage item and is not located in a heritage conservation area, however is located in close proximity to several heritage items including:</p> <ul style="list-style-type: none"> • Central Local Courthouse and Holding Cells (7 Central Street and 98 Liverpool Street, which is directly west of the site) - state heritage item no. I1707 • Brickfield Place (98-112 Liverpool Street, south-west of the site) - local heritage item no. I1852

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> <li data-bbox="847 280 1380 376">"Fayworth House" (379-383 Pitt Street, which is further south of the site) - local heritage item no. 1194 <p data-bbox="847 414 1380 880">The proposal provides an appropriate transition in the scale between the lower-scale 2-storey building within the Central Local Courthouse and Holding Cells site, and the tower form. This is achieved with the proposed rear or western wall height of the podium being approximately 10m, and with a 6m rear boundary setback above, up to a height of 26m before the tower cantilevers back towards the boundary. It is not considered the development will adversely impact on the heritage significance of this heritage building.</p> <p data-bbox="847 913 1380 1317">In addition, the materials selected are considered to be acceptable from a heritage perspective, with an important component of the proposed development comprising the use of salvaged bricks for the podium facades. A condition of consent is recommended to ensure that the bricks on the existing buildings be salvaged and the salvaged bricks are to be reused for cladding the podium facades of the proposed building.</p> <p data-bbox="847 1350 1380 1512">The site is also identified as having high archaeological potential. A condition of consent is recommended requiring that an archaeological investigation is undertaken.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.4 Accommodation Floor Space	Yes	As discussed above, the development is eligible for additional accommodation floor space and complies with the maximum permitted.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.11 Allocation of Heritage Floor Space	Yes	<p>The site is located in 'Area 2' on land in Central Sydney. Given that the proposal seeks to utilise accommodation floor space with a height that will exceed 55m, an amount of heritage floor space is required to be allocated to the site.</p> <p>The proposal provides for 3,705.14sqm of accommodation floor space. In accordance with the control, 1,852.57sqm (being 50% of the accommodation floor space) of heritage floor space is to be allocated to the site.</p> <p>The proposal was subject to a design competition and is eligible for 865.64sqm of bonus floor space under Clause 6.21(7)(b) where design excellence is demonstrated. In accordance with the control, 432.82sqm (being 50% of the bonus floor space) of heritage floor space is to be allocated to the site.</p> <p>However, the control provides for a reduction where the development was subject to a design competition that was carried out in accordance with the City of Sydney Competitive Design Policy, and allows for the total amount of floor space to be reduced by up to 50% or 1000sqm, whichever is lesser.</p> <p>Consequently, 1,285.39sqm (1,285sqm rounded) of heritage floor space is to be allocated to the site. A condition of consent is recommended to reflect this.</p>
6.16 Erection of tall buildings in Central Sydney	Yes	<p>The proposal presents a height greater than 55m for a development in Central Sydney on a site less than 800sqm in area, and as such, the provisions of this clause are applicable.</p> <p>The tower employs appropriate setbacks and floor to ceiling heights that will provide for acceptable amenity for future occupants and neighbouring buildings. In addition, each face of the tower will be able to be seen from a public place.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<p>Further, the ground retail floor use on Pitt Street which wraps around to the laneway, will activate all street frontages.</p> <p>Accordingly, the proposal satisfies the objectives of tower development in Central Sydney.</p>
6.21 Design Excellence	Yes	<p>Clause 6.21 (5) of the Sydney LEP 2012 requires a competitive design process to be carried out for the site as the proposed development has a height greater than 55 metres.</p> <p>As detailed in the relevant history section of the report, an architectural design competition was held in November 2019. The proposal prepared by Crone was the winning scheme.</p> <p>Pursuant to the provisions of Clause 6.21(7)(a) of the Sydney LEP 2012, where the proposal is the winning entry of a competitive design process and is considered to exhibit design excellence, up to a further 10% of floor space may be awarded across the site.</p> <p>The Jury in the Architectural Design Competition Report dated December 2019, recommended that the scheme was capable of demonstrating design excellence.</p> <p>The proposal has retained the important features of the competition winning scheme, whilst responding appropriately to the planning controls where required.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<p>The development 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 overall materiality and architectural contribution of the development to the City centre is considered to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.</p> <p>The development therefore satisfies the requirements of this provision.</p>

Part 7 Local Provisions - General	Compliance	Comment
<p>Division 1 Car parking ancillary to other development</p> <p>7.7 Retail premises</p> <p>7.9 Other land uses</p>	Yes	<p>The development comprises a mix of land uses, with a maximum parking rates specific to each use, as follows:</p> <ul style="list-style-type: none"> • <i>Retail:</i> retail GFA x site area / 50 x total GFA = 0.17 space maximum (based on 85sqm of retail GFA) • <i>Hotel accommodation:</i> 1 space for every 4 bedrooms up to 100 bedrooms and 1 space for every 5 bedrooms more than 100 bedrooms = 66 space maximum (based on 304 hotel rooms) <p>The proposal does not provide for any on-site parking spaces. This is considered appropriate given the constrained nature of the site as well as the site's CBD location which provides for close access to several public transport options. Further, the controls specify a maximum parking rate, not a minimum.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil. The Acid Sulphate Soil Assessment submitted with the application concludes an Acid Sulphate Soil Management Plan is not required and the development satisfies this provision. Council's Environmental Health Unit have reviewed the Assessment and raise no objection.
7.15 Flood planning	Yes	The site is not flood affected.
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface (156m AHD) as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.20 Development requiring preparation of a development control plan	Yes	As the proposed development is within Central Sydney and exceeds a height greater than 55m, a site-specific DCP is required to be prepared. However, in accordance with Section 4.23 of the Environmental Planning and Assessment Act, this requirement is satisfied as a concept development application (D/2017/920) was approved by Section 34 agreement in Land and Environment Court proceedings on 16 February 2018.

Sydney Development Control Plan 2012

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

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposal will make a positive contribution to the public domain by providing an active frontage to Pitt Street. This is accentuated with the provision of an extended "laneway" along the northern side of the ground floor level, providing enhanced pedestrian permeability in this location.

3. General Provisions	Compliance	Comment
3.1.5 Public Art	Yes	<p>A Preliminary Public Art Plan was approved prior to the competitive design process and was lodged with this detailed design application. It nominates the northern façade of the podium / laneway entry from Pitt Street as the indicative location for the public art.</p> <p>One of the key elements of the design competition's winning scheme was the integration of the public art proposal along the northern elevation. The artwork developed by artist Chris Fox, manipulates the fenestration of proposed building, extending from the industrial/deco window framing and distorting through curvilinear steel elements, tracking down the laneway along the northern facade of the building and working as a visual indicator guiding the public from the street edge to the hotel lobby.</p> <p>Council's Public Art Team have reviewed the proposal, and advise that while the artist selection process has deviated from the approved plan, and the work does not address the historical character of the area in an obvious way, it does respond to the site and the original plans for an artwork to enliven and activate the laneway as a landmark/wayfinding device.</p> <p>A condition of consent is recommended requiring that final details of the proposed public artwork be submitted and reviewed by the City's Public Art Team and/or the Public Art Advisory Panel prior to approval.</p>
3.2 Improving the public domain	Yes	<p>The proposed development will enhance the public domain, ensures sun access to publicly accessible spaces, and does not unreasonably impede public views.</p>

3. General Provisions	Compliance	Comment
3.2.2 Addressing the street and public domain	Yes	<p>The development is designed to positively address Pitt Street, with clearly legible entries, and the provision of glazing along the entire street frontage which allows for views into the ground floor tenancy and provides opportunities for direct surveillance.</p> <p>The extended laneway provides for further activation, comprising largely glazed components with several entries for the retail tenancy as well as a large entry for the hotel lobby at the rear. The public art is located along this frontage and is visible from Pitt Street. Additionally, the extended "laneway" aligns the existing break between the subject site and site to the north, which enhances a pedestrian link and enables view connections.</p> <p>The proposed vehicular entrance on the northern facade integrates well with the overall podium design and is considered to be visually recessive.</p>
3.2.3 Active frontages	Yes	<p>The development is required to provide an active frontage to Pitt Street, as identified on the Sydney DCP 2012 active frontages control map. The application proposes a retail tenancy on the ground floor of this frontage, in accordance with the control. The vehicle entry is not located on this frontage, with it provided on the northern facade, accessed from the existing right of way.</p>
3.2.4 Footpath awning	Minor non-compliance	<p>An awning is required on the Pitt Street frontages, replicating the active frontages control.</p>

3. General Provisions	Compliance	Comment
		Awnings are required to be between 3.2m and 4.2m in height above the footpath and must be between 2m and 3.6m in width with consideration given to adjoining awnings. The height of the awning varies due to the slope of the Pitt Street footpath from north to south. The height of the awning is approximately 3.9m at the sites northern end and 4.3m at the southern end. The proposed height of the awning responds to the awning at the adjoining site to the south (377 Pitt Street) which has an awning height of approximately 4.5m. The minor non-compliance is considered acceptable in this regard. The width of the awning is approximately 2.9m which complies.
3.2.6 Wind effects	Yes	The amended Wind Report prepared by Windtech demonstrates that the wind conditions for the trafficable outdoor locations within and around the development, including the elevated terraces, will be suitable for their intended uses.
3.2.7 Reflectivity	Yes	A Solar Light Reflectivity Study prepared by Windtech was submitted with the application. The report confirms that reflections from the development would not result in unacceptable glare to surrounding roads, traffic, pedestrians and surrounding buildings, subject to all glazing and materials used on the external facade having a maximum external reflectance of 20%. A condition of consent is recommended to this effect.
3.3 Design Excellence and Competitive Design Processes	Yes	As discussed under LEP Clause 6.21, an Architectural Design Competition was undertaken in accordance with the City of Sydney Competitive Design Policy and the Design Excellence Strategy, which was endorsed by the City.

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	<p>A Sustainability Report was submitted with the application.</p> <p>The proposal is capable of achieving the relevant energy efficiency requirements of Section J of the BCA by targeting a NABERS 4.5 Star Energy performance as well as a NABERS 4 Star Water Performance. Design initiatives to be implemented include a highly efficient wall-glazing system designed to minimise heat gains into the building while promoting daylight into the hotel spaces, low impact materials selections including the reuse of onsite materials, and the use of highly efficient water fixtures and fittings.</p> <p>Conditions of consent are imposed, as recommended by Council's sustainability officer.</p>
3.7 Water and Flood Management	Yes	The site is not identified as being on flood prone land.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Appropriate conditions of consent are recommended to require the consolidation into one allotment and that the hotel cannot be strata subdivided.
3.9 Heritage	Yes	<p>The proposed development is not considered to detract from the heritage significance of nearby heritage items.</p> <p>This has been discussed above in the Sydney LEP 2012 compliance table.</p>
3.11 Transport and Parking	Yes	A Transport Assessment was submitted with the application and was reviewed by Council's Traffic Planner. Subject to conditions, the proposal will satisfy the objectives of this Section in ensuring the demand for transport generated by the development is managed appropriately.

3. General Provisions	Compliance	Comment
3.11.1 Managing transport demand	Yes	<p>The proposed development does not include any car parking spaces, and rather, encourages alternative modes of transport such as bicycles, public transport, coaches and taxis. Bicycling parking is provided within the basement levels for guests and visitors, and the site's CBD location offers close access to several public transport options.</p> <p>A condition of consent is recommended for the preparation of a Transport Access Guide prior to Occupation Certificate, to ensure that a strategy is in place and in the future distributed to staff, clients, customers and visitors to the site, to encourage walking, cycling and the use of public transport.</p>
3.11.3 Bike parking and associated facilities	Yes	<p>The proposal provides 31 bicycle spaces (13 spaces for staff and 18 for customer/visitor) and associated end of journey facilities and complies with the requirements of the DCP.</p> <p>The end of trip facilities and bicycle parking are provided within Basement Level 2. A dedicated end of trip facilities entry is located on ground level with immediate access to the lifts to Basement Level 2.</p> <p>An appropriate condition is recommended to ensure that all facilities are provided in accordance with the relevant Australian Standard.</p>
3.11.6 Service vehicle parking	Yes	<p>Two loading bays are located on Basement Level 2 and are accessed via a vehicle lift and turntable to facilitate the access and egress of loading vehicles. Entry to the lift will be located off the private laneway / existing right of way, which has access to Pitt Street. The lift and turntable will permit a B99 vehicle, which is considered acceptable given the size constraints of the existing right of way and the subject site.</p>

3. General Provisions	Compliance	Comment
		<p>A condition is recommended for a Loading and Servicing Management Plan to be submitted to the satisfaction of Council prior to the issue of Construction Certificate, to ensure that the servicing of the site will be carried out appropriately.</p>
3.11.8 Bus parking	No - considered acceptable	<p>The development does not (and is not able to) provide on-site set down or pick-up parking for buses and coaches, as the site is severely constrained in terms of size to accommodate on-site bus parking.</p> <p>The submitted Transport Assessment outlines that the absence of bus and coach parking is acceptable in this instance as there are several bus set-down and pick-up zones that are located in close proximity to the site (approximately 100m away), which may be used for picking up and setting down passengers as outlined in the RMS parking rules.</p> <p>Council's Traffic Planner considers this acceptable, subject to the submission of a detailed Loading and Servicing Management Plan which will require detail on managing vehicles associated with guest arrivals, departures and tours and its potential impacts on surrounding streets. A Coach Parking and Passenger Pick-up and Drop-off Management Plan is also required to be prepared in consultation with the Sydney Coordination Office within TfNSW, as recommended as a condition of consent by TfNSW.</p>

3. General Provisions	Compliance	Comment
3.11.13 Design and location of waste collection points and loading areas	No - considered acceptable	<p>Garbage trucks are not able to access the site based on the constraints of the existing Right of Way, and are proposed to be undertaken on the street.</p> <p>Collection will occur on the existing loading zone at the site's frontage, with bins wheeled from the bin presentation point at a hardstand area towards the eastern end/Pitt Street frontage of the extended laneway. The waste will remain in this location for only a short time after being transferred from the permanent storage area in Basement Level 1.</p> <p>Council's Traffic Planner and Waste Management Officer have reviewed the proposed arrangement and consider it acceptable in this circumstance.</p> <p>Please refer to the Issues Section for discussion.</p>
3.12 Accessible Design	Yes	<p>The application is supported by an Access Report prepared by Morris Goding Access Consulting, which details that the design is capable of complying with accessibility requirements under the BCA, DDA standards and Council's DCP.</p> <p>A condition is recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>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 hotel rooms. The proposal provides for separate and secure entrances to the different building uses.</p>

3. General Provisions	Compliance	Comment
		The proposal is considered to be designed in accordance with the principles of Crime Prevention through Environmental Design (CPTED) and is consistent with this design quality principle.
3.14 Waste	Yes	Council's Waste Management Officer has reviewed the waste arrangements for the proposed development and raises no objections, subject to the imposition of conditions to ensure compliance with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The hotel would also accommodate ancillary food and drink premises that may be licensed, in which the details of the use and operation are unknown. Accordingly, a condition of consent is recommended for the fit out and use of the restaurant to be subject to a separate application, where additional details relating to the operation and management of its future use can be considered.
3.16 Signage and Advertising	Partial compliance	The proposed signage strategy generally complies with the requirements of this Section and is acceptable, subject to conditions as discussed in the Issues section of this report.

4. Development Types 4.2 Residential flat, commercial and mixed-use developments	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	<p>Buildings with a commercial or retail use are required to have a minimum floor to floor height of 4.5m on the first basement floor as well as the ground floor. Upper floors for mixed use development require a minimum floor to ceiling height of 2.7m, which equates to a minimum floor to floor height of 3.1m.</p> <p>The proposal generally complies with floor to floor heights of 4.15m at Basement Level 1, 4.4m at ground floor and the floors in the podium levels above, and 3.1m for the tower floor levels.</p> <p>The non-compliances of the basement and ground floor levels is considered acceptable in this circumstance, as:</p> <ul style="list-style-type: none"> • the ground floor non-compliance is minor; and • it is unlikely that the basement level will be readily able to be converted to retail uses in the future, given the constrained nature of the site as well as that plant and service areas are required within the proposed basement.
4.2.3.1 Solar Access	Yes	As discussed in the Concept approval modification (D/2017/920/B) that is concurrently being assessed, the proposal results in no adverse solar access impacts to nearby residential developments.

4. Development Types 4.2 Residential flat, commercial and mixed-use developments	Compliance	Comment
4.2.3.11 Acoustic Privacy	Yes	<p>To address any potential noise issues, an Acoustic Assessment prepared by Pulse accompanies the subject application, as well as a Plan of Management which details the management procedures which will be implemented to reduce the acoustic impact of the development on the adjacent land.</p> <p>Conditions of consent are recommended to ensure that compliance with these documents as well as relevant standards are achieved.</p>

4. Development Types 4.4.8 Visitor Accommodation	Compliance	Comment
4.4.8.1 General	Yes	<p>A Plan of Management (POM) and Acoustic Assessment were submitted with the application relating to the hotel use and operation.</p> <p>The POM outlines that the hotel will operate 24/7 with on-site personnel, and all hotel entries, common areas, lobby and loading dock will be monitored by CCTV.</p> <p>The sleeping rooms do not include triple-tier bunks or cooking facilities, and toilet and shower facilities are partitioned off within each room.</p>
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes	<p>A minimum room size of 18sqm is provided, which is consistent with the minimum DCP requirement.</p> <p>The rooms are capable of accommodating 2 persons staying a maximum of 3 months, which satisfies the 11sqm requirement of the DCP.</p>

5. Specific Areas 5.1 Central Sydney	Compliance	Comment
5.1.1 Street frontage heights	Yes	A maximum street frontage height of between 20 to 45m applies to the site. However, the Stage 1 DA envelope was approved with a street frontage height of 19.5m. As considered in the Stage 1 DA approval, the frontage height's minor non-compliance is acceptable.
5.1.2 Building setbacks	Yes	<p>With regard to front setbacks, the building must be set back a minimum weighted average of 8m above the street frontage height. The proposal is consistent with this requirement, with a setback of 8.4m at the northern end of the eastern facade and a setback of 7.6m at the southern end of the eastern facade. This is consistent with the changes sought to the approved building envelope under D/2017/920/B.</p> <p>With regard to rear and side setbacks, the proposal is consistent with the building envelope approved under D/2017/920.</p> <p>It is noted that a boundary window covenant will be required via a condition of consent for the windows on the northern boundary of the tower, which require that these windows be sealed up if the adjoining site to the north is redeveloped in the future.</p>
5.1.5 Building bulk	Yes	Above a height of 45m, the maximum horizontal dimension of any commercial building facade must not exceed 65m. The proposal complies with a maximum horizontal dimension of approximately 21m.
5.1.6 Building exteriors	Yes	The proposal complies with the requirements of this section, with the use of brickwork proposed on the facades, including the use of salvaged bricks for the podium. This reinforces the predominant masonry character and articulation of Central Sydney.

5. Specific Areas	Compliance	Comment
5.1 Central Sydney		
		The proposal incorporates a visually interesting treatment for the northern and southern sides of the tower that continues the rhythm of the more prominent eastern and western facades.
5.1.9 Award and Allocation of Heritage Floor Space	Yes	Discussed above under Clause 6.11 of Sydney LEP. Appropriate conditions of consent are imposed to ensure the correct allocation is apportioned to the development.

Issues

Consistency with Stage 1 Concept Approval

61. On 16 February 2018, the Stage 1 development consent (D/2017/920) was granted by Section 34 agreement in Land and Environment Court proceedings for a 34-storey building envelope comprising indicative retail and hotel uses.
62. Pursuant to Section 4.24 of the Environmental Planning and Assessment Act 1979, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent.
63. Subject to the approval of the modification concurrently sought under D/2017/920/B, the proposed detailed design sought under the subject Stage 2 DA, is consistent with the Stage 1 consent.
64. The Stage 1 DA included a number of conditions of consent. An assessment of compliance with these conditions, which specifically required details to be address as part of the Stage 2 application are provided below.

No.	Condition	Assessment
3	Design Modifications	Prior to the lodgement of the subject application, the 'area for Public Art Installation' shown on the north elevation was deleted, by way of a condition satisfied letter and stamped plan.
4	Matters Not Approved	Complies. The subject detailed design application seeks consent for the identified items that were not approved with the concept application.

No.	Condition	Assessment
5	Envelope Height	Complies. The height of the proposed development does not exceed RL 141.1 (AHD) for the tower, RL 38.9 (AHD) to its Pitt Street (eastern) frontage of the podium, and RL 29.7 (AHD) to its rear western) elevation of the podium.
6	Floor Space Ratio	Complies. As detailed in the Sydney LEP 2012 compliance table above, the proposed development complies with the FSR allowable for the site, under Clauses 4.4, 6.4 and 6.21(7) of the Sydney LEP 2012.
7	Building Envelopes	Complies, subject to the approval of D/2017/920/B which seeks to amend the setbacks established by the Stage 1 consent, which is recommended for approval.
8	Distribution of Floor Space within Envelopes	Complies. The maximum floor space of the detailed design is contained within the approved concept proposal envelope.
9	Competitive Design Process	Complies. The proposal has been subject to a Competitive Design Process, which was carried out prior to lodgement of the Stage 2 DA, and in accordance with the City of Sydney Competitive Design Policy and the Design Excellence Strategy, which was endorsed by the City.
10	Detailed Design	<i>Addressing environmental impacts</i> - complies. The detailed design demonstrates that the overshadowing to residential apartments in neighbouring buildings does not exceed the shadow cast by the envelope approved. As demonstrated in the Overshadowing Assessment submitted, the proposed development results in an improved solar access outcome compared to the approved building envelope, with a reduction in residential apartments impacted.

No.	Condition	Assessment
		<p><i>Heritage response</i> - complies. The proposed podium and western (rear) facade of the lower portion of the tower that incorporates a 6m setback, provides a sympathetic design response to adjacent heritage items. This is demonstrated with the incorporation of a brick base and proportions which respond positively to the adjacent heritage items and predominant masonry character of Central Sydney.</p> <p><i>Consideration of a green roof/green wall</i> - complies. The proposed development includes the incorporation of a green wall on the rear (western facade) of the podium. It is noted that further detail is required for this green wall which is required as a condition of consent and discussed further in the Issues Section.</p> <p><i>Ground floor interface to Pitt Street</i> - complies. The proposal provides for an active retail frontage to Pitt Street and also introduces an extended "laneway" which provides activation of the northern side of the building and a large access to the hotel lobby at the rear. The extent of fire hydrant boosters and fire escapes to Pitt Street have been minimised and their design are integrated into the architecture of the building.</p> <p><i>Treatment of blank facades</i> - complies. The northern (laneway) facade comprises glazing and framed brickwork to create a visually interesting and dynamic facade. The southern facade comprises a more solid aesthetic however includes horizontal components which continue the horizontal components provided on the eastern and western facades to create consistency and visual interest to the building.</p>

No.	Condition	Assessment
		<p><i>Footpath awning</i> - complies. An awning is provided along the Pitt Street frontage which is generally consistent with Section 3.2.4 of the Sydney DCP 2012.</p> <p><i>Public art</i> - complies. The Design Brief included the Preliminary Public Art Plan approved (as per Condition 12).</p>
11	Ecologically Sustainable Development	Complies. As discussed above, a Sustainability Report was submitted with the application which outlines that the proposed development is capable of achieving the relevant energy efficiency requirements of Section J of the BCA by targeting a NABERS 4.5 Star Energy performance as well as a NABERS 4 Star Water Performance, which was required in the Design Excellence Strategy.
12	Public Art	Complies. An amended Preliminary Public Art Plan was approved prior to the competitive design process and was lodged with this detailed design application.
13	Heritage Impact Statement and Baseline Archaeological Assessment to be amended	Complies. An amended Heritage Impact Statement and Baseline Archaeological Assessment as requested in the condition, were submitted as part of this application. A condition of consent is recommended requiring that an archaeological investigation is undertaken.
14	Excavation in the vicinity of a heritage item	A Geotechnical Assessment and a Structural Letter as requested in the condition, were submitted with the subject application. A condition of consent is recommended which requires the preparation of a Vicinity Heritage Protection Strategy.

No.	Condition	Assessment
15	Hotel Use	Complies. A Plan of Management was submitted as part of the application which provides relevant details pertaining to the approved hotel, including its design and operations in accordance with Section 4.4.8 of the Sydney DCP 2012.
16	Signage Strategy	Complies. A Signage Strategy has been submitted with the subject application. Further discussion on the proposed signs is provided in the Issues Section of this report.
17	Wind Effects Report	Complies. As discussed in the Sydney DCP 2012 compliance table, an amended Wind Report was submitted with the application which demonstrates that the wind conditions for the trafficable outdoor locations within and around the development, including elevated terraces, will be suitable for their intended uses.
18	Reflectivity Report	Complies. As discussed in the Sydney DCP 2012 compliance table, a Solar Light Reflectivity Study prepared by Windtech was submitted with the application. The report confirms that reflections from the development would not result in unacceptable glare to surrounding roads, traffic, pedestrians and surrounding buildings, subject to all glazing and materials used on the external facade having a maximum external reflectance of 20%. A condition of consent is recommended to this effect.
19	Transport and Traffic Reports	Complies. A Transport Assessment was submitted with the application which addresses the provisions contained in Section 3.11 and Schedule 7.4 of the Sydney DCP 2012.
20	Parking Design	No car parking spaces are sought.

No.	Condition	Assessment
21	Bicycle Parking and End of Trip Facilities	Complies. Bicycle parking and end of trip facilities are to be provided in accordance with the Sydney DCP 2012 requirements, and relevant conditions will be imposed to ensure compliance with Australian Standards.
22	Vehicle Access	Complies. The documentation submitted with the Stage 2 DA demonstrates that all vehicle enters and leaves the site in a forward direction, afforded by the turntable provided on Basement Level 2.
23	Signal System	Complies. The submitted Transport Assessment provides detail on traffic controls (signals) proposed.
24	Onsite Loading Servicing Vehicle Parking Space	Complies. The proposed development accommodates 2 onsite loading/service vehicle parking spaces within Basement Level 2.
25	Loading Management Plan	Complies. A Loading Management Plan accompanied the submitted Transport Assessment. Council's Transport Planner recommends that a more detailed Loading and Servicing Management Plan is submitted for approval prior to Occupation Certificate.
26	Bus / Coach Parking Management Plan	Complies. As detailed above, the submitted Transport Assessment discusses the bus / coach parking, and the inability to provide dedicated bus / coach parking spaces within the site. Council's Traffic Planner considers the proposed arrangement of utilising nearby on-street set-down and pick-up zones acceptable, subject to further detail provided in the Loading and Servicing Management Plan. A Coach Parking and Passenger Pick-up and Drop-off Management Plan is also required to be prepared in consultation with the Sydney Coordination Office within TfNSW, as recommended as a condition of consent by TfNSW.

No.	Condition	Assessment
27	Car Lift Operation and Management	Complies. The submitted Transport Assessment details the type and operations of the vehicle lift to be utilised and includes a queuing analysis.
28	Access and Facilities for Persons with Disabilities	Complies. An Access Report prepared by Morris Goding Access Consulting was submitted with the application, which demonstrates how the building is designed and will be constructed to provide access and facilities for people with a disability in accordance with the BCA.
29	Existing and Proposed Easements	Complies. A letter of advice prepared by Baron + Associates was submitted with the subject application, which provides details of how the various existing rights of access (which benefits the subject land and is largely within the adjoining site to the north) are to be treated with the new development.
30	Lot Consolidation	A condition of consent requiring that all land titles within the site be consolidated into one lot, is recommended.
31	Stormwater and Drainage	Complies. A Stormwater Management Report prepared by Northrop was submitted with the subject application. A Stormwater and Drainage - Major Development condition is recommended to be included in the Stage 2 consent.
32	Demolition, Excavation and Construction Noise and Vibration Management Plan	Complies. An Acoustic Assessment prepared by Pulse Acoustic Consultancy accompanies the subject application and includes a section which provides a noise and vibration assessment.
33	Waste Facilities	Complies. A Waste Management Plan was submitted with the application which provides details of the location, construction and servicing for the proposed building.

No.	Condition	Assessment
34 - 35	Sydney Water Conditions	Relevant Sydney Water conditions will be included in the conditions for the Stage 2 consent.
36 - 41	Sydney Trains Conditions	Complies. Concurrence has been received from Sydney Metro for the subject Stage 2 application.
42 - 46	TfNSW Conditions	Complies. The application has been referred to TfNSW who raises no objection to the proposal, subject to conditions.
47 - 51	Ausgrid Conditions	Complies. The application has been referred to Ausgrid who raises no objection to the proposal, subject to conditions.

Architectural Design Competition Jury Recommendations

65. An architectural design competition was held, whereby 6 competitors submitted a design proposal.
66. The competition resulted in Crone Architects being selected as the winning scheme on 27 November 2019.
67. The jury of the design competition resolved that the Crone scheme best demonstrated the ability to achieve design excellence as per Clause 6.21 of the Sydney LEP 2012 and the architectural design competition Brief requirements.
68. However, the jury also noted a number of matters that required further resolution prior to the lodgement of a detailed design development application.
69. The table below provides a response to the recommendations:

Jury Recommendations	Response
The exposed structure of the scheme was commended particularly in relation to the podium spaces, and the detailed DA proposal could elevate this through incorporation of underfloor services.	The proposal has retained the exposed structure of the ceilings in the podium. As detailed in the Building Services Strategy, the services will be exposed for an industrial aesthetic.

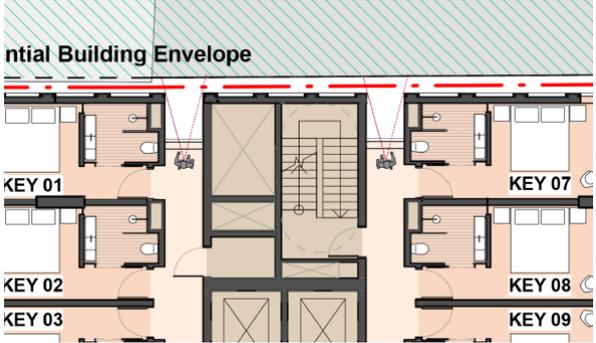
Jury Recommendations	Response
Consideration of the materiality of the podium glazing on the northern elevation, which could incorporate drenched glazing.	The glazing on the northern (laneway) elevation of the podium has been retained, as per the design competition scheme. A Fire Engineering Report was also submitted, which indicates that a fire engineering solution will be implemented for the glazing.
Revisit the internal spatial planning to ensure the scheme meets the requirements of the hotel operator and applicable Australian Standards. This includes consideration of the width and efficiency of the corridors in the hotel floors. Consideration to be given to accommodating a narrower lift core.	The design of the core has been refined in consultation with Norman Disney Young to provide for efficiency and comply with the relevant standards.
Investigate the possibility of straightening the eastern elevation of the tower to create a rectangular floorplate, subject to demonstrating overshadowing complies with the Concept DA and obtaining support from the City of Sydney.	This recommendation is incorporated into the detail design, and is a change concurrently sought to the concept envelope approval (D/2017/920/B).
Further resolution of the waste management strategy. The scheme must demonstrate compliance with the waste management requirements of the Sydney DCP 2012 and Council's "Guidelines for Waste Management in New Developments". Service/ waste vehicles are to enter and exit the site in a forward direction.	As detailed further below, the proposed waste arrangements are satisfactory in the circumstances. An amended Waste Management Plan is required as a condition of consent, to ensure compliance with Council's Guidelines.

70. As outlined above, the proposal has generally addressed the recommendation of the jury. Further, the proposal has retained the important features of the competition winning scheme, whilst responding appropriately to the planning controls where required.

Design Advisory Panel

71. The proposal was considered by the Design Advisory Panel (DAP) on 11 June 2020.
72. The table below provides a response to the comments made by the Panel regarding the proposal:

Panel Recommendations	Response
<p>The Panel recommended engagement of a skilled landscape architect to further develop the building's green wall and ground plane interface with the public domain. The Panel noted that the green wall is a critical element to the success of the development. Deep soil provision needs to be improved.</p>	<p>During the assessment of the application, additional landscaping documentation was submitted including updated shadow diagrams showing the solar access received to the green wall, as well as preliminary green wall access and maintenance advice by a green wall specialist, Junglify.</p> <p>As discussed further below, more information is required to satisfy Council that the green wall will be viable, as required by conditions of consent.</p> <p>It is noted that deep soil cannot be provided given that the development is built boundary to boundary, also that there is no deep soil requirement in Central Sydney. Subject to conditions, the proposed landscaping treatment of the terraces and green walls provide for appropriate greening of the site.</p>
<p>The Panel recommended that planning conditions are introduced to ensure transparency and accessibility are maintained between the building ground floor and the adjacent access lane/ driveway.</p>	<p>A condition is recommended to this effect, requiring that prior to the issue of an Occupation Certificate, a documentary Easement for Public Access, is to be created and registered on Title.</p>
<p>Waste management strategy resolution is essential; particularly the building's waste storage so that bins do not clutter the building's street address.</p>	<p>Council's Traffic Planner and Waste Management Officer have reviewed the proposed arrangement and consider it acceptable in this circumstance.</p> <p>Specific conditions are recommended to ensure that waste collection will only occur during the nominated collection times and that the bins are placed strictly within the designated space within the property and are not placed on the street for collection.</p> <p>Please refer to the Issues Section for discussion.</p>
<p>Ensure density of window fenestration on the podium levels is maintained during design development to preserve the proposal's current design intent.</p>	<p>The selected drawings recommended for approval maintain the window fenestration on the podium levels, as presented at DAP.</p>

Panel Recommendations	Response
<p>The Panel recommended reviewing the position of upper floor hallway windows. Room layouts could be adjusted to facilitate recessing these windows to allow future lightwells should adjacent sites be redeveloped</p>	<p>This relates to the northern hallway windows that are proposed to be built to the boundary of the private laneway.</p> <p>The DAP recommendation was requested in Council's RFI letter.</p> <p>The applicant providing a response advising that they do not proposed to adopt the recommendation given that the suggested amendment would not result in an improved design outcome, in both the short term and long term.</p> <p>In the short term with no adjacent wall built, the lightwells will restrict providing expansive views (which is currently obtained with the current design - as shown in the diagram below at Figure 47), thereby reducing the outlook for future occupants.</p>  <p>Figure 47: Diagram showing suggested lightwells and reduced viewpoints</p> <p>In the long term with an adjacent wall built, the lightwells will be relatively dark given the height of the building and small depth of the well. It would result in inefficient wet area service design with a split in the bathrooms. Additionally, the applicant advised that the previous recessed door assisted to provide end of aisles accessible access, and also there being a potential downwash issue with the two skinny shafts affecting the laneway experience.</p>

Panel Recommendations	Response
	<p>In consideration of the above, the applicant's justification to not pursue DAP's recommendation to review the position of the upper floor hallway windows, is supported. Currently the windows built to the boundary provide for optimal daylight and outlook for future patrons of the hotel. If the building to the north is redeveloped and built to this joint boundary, the suggested lightwells would not offer substantial additional amenity, with only the top floor levels likely to receive some daylight. Further, the suggested lightwells are likely to result in maintenance and cleaning issues.</p>

Waste Collection

73. Garbage trucks are not able to access the site based on the constraints of the existing Right of Way and site, and are proposed to be undertaken on the street. Collection will occur on the existing loading zone at the site's frontage, with bins wheeled from the bin presentation point at a hardstand area towards the eastern end/Pitt Street frontage of the extended laneway. The waste will remain in this location for only a short time after being transferred from the permanent storage area in Basement Level 1. Figure 48 illustrates the described arrangement.

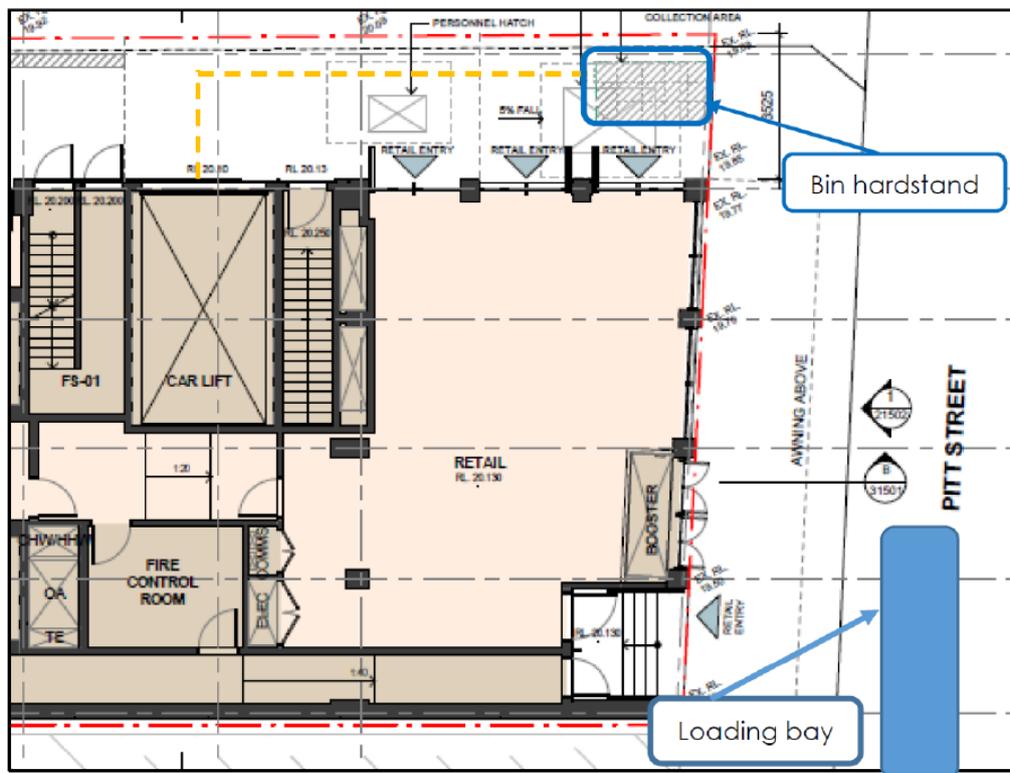


Figure 48: Proposed waste collection arrangement, with bin hardstand area and existing loading zone labelled

74. At the time of the concept approval, vehicular access from Pitt Street with the provision of a new driveway crossover was strongly opposed, given the active frontage anticipated for the Pitt Street frontage. Council's Traffic team also permitted waste collection to occur kerbside at Pitt Street.
75. With the subject application, Council's Traffic Planner and Waste Management Officer have reviewed the proposed arrangement and consider it acceptable in this circumstance, for the following reasons:
- (a) The large garbage truck required is unable to safely access and manoeuvre within the existing Right of Way.
 - (b) Providing an internal bin storage room is difficult on this site, due to the existing site's small footprint as well as the proposal needing to largely reflect the design competition approve scheme which required the activation of Pitt Street and the lane.
 - (c) Waste collection requirements for the building will be reduced with the provision of a food waste system, whereby food waste will be segregated in back of house areas and treated on-site, at Basement Level 1. Following the treatment of food waste, the resulting material will be stored in a tank and then pumped out as required. This system will avoid the need for bins to be stored in the bin store and presented for collection. It is recommended that the detailed design of the food waste extraction system is required to be submitted prior to the issue of a Construction Certificate.
76. A detailed loading and servicing management plan and updated waste management plan are required as conditions of consent, to ensure that the waste collection will operate in an appropriate manner and will not cause any issues to the future operation of the site, nearby properties and the public domain.
77. Specific conditions are also recommended to ensure that waste collection will only occur during the nominated collection times and that the bins are placed strictly within the designated space within the property and are not placed on the street for collection.
78. In consideration of the matters above, the proposed waste collection arrangements are appropriate and are considered acceptable by Council, subject to recommended conditions.

Landscaping

79. As outlined in this report, the provision of a green roof to the podium's western rooftop and green wall to the western facade of the lower portion of the tower was required to be explored, as per Condition 10(d) of the concept approval. The green wall was also a key component of the design competition's winning scheme. As such, it is important to ensure that the green wall and landscaped terraces are feasible, through to the operation of the development.
80. During the assessment of the application, additional information was requested to provide further detail on the green wall including consultation with a specialist green wall consultant, shadow diagrams to show solar access received to the outdoor terraces and green wall, and updated wind assessment to assess comfort levels and useability for the outdoor terraces.

81. The applicant responded providing the additional information requested. This included a wind report demonstrating that the outdoor terraces will not be wind affected, preliminary green wall access and maintenance advice prepared by a green wall specialist, Junglify, and solar access studies indicating the sunlight received to these landscaped areas.
82. Council's Landscape Officer has reviewed the documentation submitted and in summary, advises the following:
- The submitted solar studies indicate that the green wall will be in partial to full shade year-round (solar access received from 3-5pm in summer and 3-4pm in winter). The green wall design needs to be more robust with climbing mesh added to the vertical wires to allow for better climber coverage, and species selected for the shade conditions.
 - Coordination issues remain between the architectural plans and landscape packages, with the landscape plans based on earlier iterations of the architect's plans.
 - Of concern, the proposed Level 4 planter design includes trees and shrubs located in a shallow planter over two substation ducts, which is unlikely to meet soil depth requirements to support healthy tree and plant growth.
83. As such, detailed conditions of consent are recommended to address these outstanding landscaping matters which are required to ensure the success of the green wall and landscaped terraces.

Signage

84. A signage strategy for future business identification signage is proposed as part of this application as follows:
- (a) Signage zones along Pitt Street:
- (i) 3 x under awning signs along Pitt Street frontage, measuring 0.725m wide x 0.45m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text (wording not specified).
 - (ii) 1 x flat mounted wall sign on inside face of wall at southern entry, measuring 1.4m wide x 0.4m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text '371-375 Pitt Street'.
- (b) Signage zones along laneway / north elevation:
- (i) 3 x projecting wall signs at first floor level, measuring 0.725m wide x 0.45m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text (wording not specified).
 - (ii) 4 x projecting wall signs at ground floor level, measuring 0.725m wide x 0.45m high. Comprises plexiglass or similar with aluminium mesh layer behind and includes English and Korean text (wording not specified).

85. In consideration of the objectives and provisions of Section 3.16 of Sydney DCP 2012, the proposed signage strategy is generally acceptable, excluding the three projecting wall signs at first floor level along the laneway (as shown in Figure 49), for the following reasons:
- In Section 3.16.6 of the Sydney DCP 2012, the general requirements for business identification signs, specifically, outline that business identification signs on land zoned B8 are to be located below the height of a ground floor awning.
 - The general requirements for signage under Section 3.16.3 of the Sydney DCP 2012 specifies that signage should not create unacceptable visual clutter, and that signage should allow the main facades on buildings from the first floor to the rooftop or parapet to be uncluttered and generally free of signage.
 - Although these signs are located along the northern/laneway elevation and not the Pitt Street frontage where the awning is located, these signs are located above the height of the proposed awning which do not comply with the control. Further, these 3 first floor signs in addition to 4 ground floor project wall signs create visual clutter along the northern façade. 7 signs along the laneway is not considered necessary for the one retail tenancy and hotel use.
86. As such, these first-floor signs are not supported. Conditions of consent are recommended for an updated signage strategy to be submitted and approved by Council prior to the issue of a Construction Certificate.

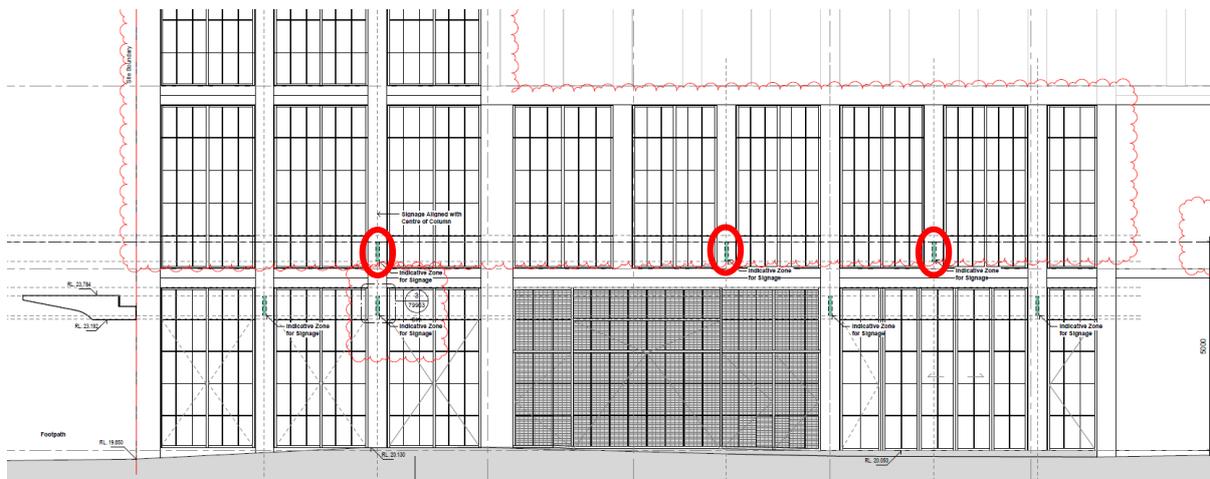


Figure 49: Signage Strategy extract of northern elevation. Signs not supported are circled.

Other Impacts of the Development

87. The proposed development is capable of complying with the BCA. It is Classes 3 (Hotel accommodation; ancillary gymnasium), 6 (retail / restaurant / bars), 7b (storage in the basement) and 8 (substation).
88. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the Site for the Development

89. The proposal is of a nature in keeping with the overall function of the site. The premises is in a predominantly commercial surrounding and amongst similar uses to that proposed.

Internal Referrals

90. The application was referred to, or discussed with, the following referral officers and bodies for review:

- (a) Design Advisory Panel;
- (b) Design Excellence Unit;
- (c) City Model Unit;
- (d) Heritage Specialist;
- (e) Urban Design Specialist;
- (f) Building Services Unit;
- (g) Environmental Health Unit;
- (h) Public Domain Unit;
- (i) Late Night Management Unit;
- (j) Specialist Surveyor;
- (k) Transport and Access Unit;
- (l) Landscaping Officer;
- (m) Sustainability Team; and
- (n) Waste Management Unit.

91. The above consider that the proposed development generally addresses relevant requirements and matters raised during the assessment, and is acceptable subject to conditions. Where relevant, the conditions have been included in the proposed conditions.

External Referrals**Notification, Advertising and Delegation**

92. In accordance the Community Participation Plan 2019 the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 22 April 2020 and 22 May 2020. As a result of this notification a total of 2,693 properties were notified and there were 2 submissions received. Issues raised are below:

(a) *Cumulative traffic impacts*

Response: The submission raised concern regarding the cumulative traffic and congestion associated with the large redevelopments in this location, including 338 Pitt Street as well as the subject site.

The subject proposal does not seek to provide any onsite parking spaces, and rather, encourages occupants and visitors to walk, cycle and use public transport.

A queuing analysis was undertaken to assess service vehicles entering and exiting the site, and the proposed arrangements are considered acceptable.

A detailed Loading and Servicing Management Plan as well as a Transport Access Guide are required to be prepared and approved prior to Occupation Certificate to ensure that future operations will not give rise to any traffic and congestion issues.

(b) *Potential impact on views*

Response: The submission advised that the proposed development would not impact on views. However, concern was raised regarding the maintenance of views in the future from an apartment in World Tower, in general. This therefore does not specifically relate to the subject application.

However, it is noted to the submitter that future development in the city is guided by Sydney LEP 2012 and Sydney DCP 2012 controls as well as the future Central Sydney Planning Strategy. Any future development application that may give rise to adverse view impacts would be required to undertake a detailed view analysis.

Public Interest

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

S61 Contribution

94. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2013. A condition relating to this levy has been included in the recommended conditions of consent. The levy is to be paid prior to the issue of a Construction Certificate.

Relevant Legislation

95. Environmental Planning and Assessment Act 1979.
96. City of Sydney Act 1988.

Conclusion

97. The proposed development is for a Stage 2 development application, for a 34-storey hotel development, providing 304 rooms, associated hotel facilities, a ground floor retail use and 2 basement levels.
98. The development has been the subject of a competitive design process with the winning scheme being Crone Architects. The proposal is generally consistent with the winning scheme.
99. The proposal is Integrated Development under the Water Management Act 2000, requiring approval from Water NSW. General Terms of Approval were received from Water NSW on 2 June 2020.
100. Concurrence has been received from Sydney Metro in accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007.
101. The development achieves a high standard of architectural design, materials and detailing, with the provision of landscaping that will contribute positively to the appearance of the site and the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to amenity of the surrounding area and future occupants. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
102. Overall, the proposal responds satisfactorily to its context and surrounding development, achieving a standard of architectural design that is considered to demonstrate design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.
103. Subject to conditions, the development is in the public interest and is recommended for approval.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Mia Music, Planner