

Item 4.**Development Application: 4-6 Bligh Street, Sydney - D/2023/113****File Nos.: SSD 48674209 (D/2023/113)****Summary**

Date of Submission:	23 February 2023 Response to Submissions received 8 August 2023 and amended plans received 22 November 2023
Applicant/Developer:	HOLDMARK NSW PTY LTD
Architect:	WOODS BAGOT
Owner:	4TO6 BLIGH STREET TST CO PTY LTD
Planning Consultant:	URBIS
Heritage Consultant:	URBIS
Cost of Works:	\$334,010,495
Zoning:	SP5 Metropolitan Centre. The proposed mixed-use development comprising commercial office and tourist and visitor accommodation uses are permissible with consent in this zone.
Proposal Summary:	<p>The proposal seeks consent for the construction of a 59-storey mixed-use hotel and commercial building with associated basement parking, food and drink premises and business identification signage.</p> <p>The Capital Investment Value of the hotel exceeds \$100 million and, in accordance with Section 13 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, is therefore State Significant Development. On 24 October 2019, the then Minister for Planning and Public Spaces delegated the assessment of the application to the City of Sydney and to the Central Sydney Planning Committee for determination. The assessment, notification and report processes are in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and as recommended by the Department of Planning and Environment.</p>

The applicant has undertaken a competitive design process in accordance with the City's requirements. The scheme prepared by Woods Bagot was identified as the preferred scheme and most likely to achieve design excellence. The detailed design application is substantially the same as the winning scheme and adequately addresses the recommendations of the competition jury.

The Environmental Impact Statement and Response to Submissions adequately address the Secretary's Environmental Assessment Requirements (SEARs). In particular, the development complies with the maximum height, floor space ratio and car parking development standards of the Sydney Local Environmental Plan 2012 (SLEP).

The development achieves a high standard of architectural design with appropriate materials and detailing for the CBD environment. Sufficient building separation is provided to neighbouring heritage sites.

The tower results in acceptable environmental impacts as discussed within the report and achieves a sufficient standard of sustainable design. The development provides sufficient landscaping on podiums which will contribute to local biodiversity and visual amenity. The development therefore achieves design excellence in accordance with Clause 6.21(4) of the SLEP.

The application was publicly exhibited for 44 days from 6 March 2023 to 18 April 2023. The City received eight submissions from government and statutory agencies and three public submissions. In response to issues raised in submissions, the applicant submitted a Response to Submissions (RtS) report which provided additional information, revised architectural plans and justification for the proposal. The RtS was notified to previous public submitters and government and statutory agencies. An additional public submission was received as well as two additional government agency submissions.

The application includes a proposal to vary the existing Planning Agreement that is registered on title. It is noted the application of section 7.12 of the EP&A Act is not excluded in respect of the development and contributions under section 7.12 are required to be paid, however given the application of a strategic floor space payment it is proposed that a contribution of 1% of the cost of development is payable as per the previous terms of the former Central Sydney Contributions Plan 2013.

A Deed of Variation is currently being prepared to be placed on exhibition reflecting the proposed amendments to the subject Planning Agreement to be then tied to a consent for the comprehensive redevelopment of the site. A deferred commencement condition of consent is recommended requiring the exhibition, execution and registration of the Deed of Variation prior to the commencement of the consent and recommended that, if the Committee is minded to support the application, the Committee delegate their determination to the Chief Executive Officer pending the exhibition of the draft Deed of Variation.

The site is located over existing and future Sydney Metro tunnels and as such, was referred to Sydney Metro for comment and recommended conditions. Sydney Metro advised that insufficient information has been provided to be satisfied that the proposed construction will not adversely impact on the structural integrity of the tunnel. The applicant and Sydney Metro have discussed the matter and advise that, subject to the correct information being provided, Sydney Metro can support the application and provide recommended conditions of consent.

It is therefore recommended that, if the Committee is minded to support the application, the Committee delegate determination to the Chief Executive Officer pending the receipt of concurrence from Sydney Metro.

A separate development consent (D/2018/892) relating to early works on the site to facilitate the proposed application was approved on 31 January 2020. Specifically, consent was granted for the demolition of the existing site structures, excavation and shoring of the site for three basement levels (to a depth of RL9.38m) to accommodate the proposed mixed-use hotel and commercial development. As such, this application does not seek consent for these components and instead seeks to rely upon and activate D/2018/892 for early works.

A concurrent modification to amend D/2018/892 to seek consent for excavation of an additional two basement levels to RL2.68m has been submitted to the City for assessment to ensure alignment in the early works DA and this SSDA. The determination of this consent under delegation is also subject to amended concurrence from Sydney Metro.

Summary Recommendation: That the Central Sydney Planning Committee delegate determination to the Chief Executive Officer pursuant to Section 40 of the City of Sydney Act 1988 pending concurrence from Sydney Metro and demonstrating that the decision will not have a significant adverse financial impact on Council.

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
 - (ii) Biodiversity Conservation Act 2016
 - (iii) Water Management Act 2000 and Water Management (General) Regulation 2018
 - (iv) Sydney Water Act 1994 and Sydney Water Regulation 2017
 - (v) Airports Act 1996 (Commonwealth) and Civil Aviation (Building Control) Regulation) 1988
 - (vi) State Environmental Planning Policy (Resilience and Hazards) 2021
 - (vii) State Environmental Planning Policy (Industry and Employment) 2021
 - (viii) State Environmental Planning Policy (Transport and Infrastructure) 2021
 - (ix) State Environmental Planning Policy (Planning Systems) 2021
 - (x) Sydney Local Environmental Plan 2012
 - (xi) City of Sydney Guidelines for Waste Management in new Developments
 - (xii) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011
 - (xiii) City of Sydney Interim Guidelines for Public Art in Private Developments 2006
 - (xiv) Community Engagement Strategy and Participation Plan 2022

- Attachments:**
- A. Assessment Report
 - B. Recommended Conditions of Consent
 - C. Selected Drawings
 - D. Competitive Design Process Jury Report and Design Integrity Panel Endorsement

Recommendation

It is resolved that pursuant to Section 40 of the City of Sydney Act 1988, authority be delegated to the Chief Executive Officer to determine application SSD 48674209 (D/2023/113) pending the exhibition of the draft Deed of Variation to the Planning Agreement, concurrence of Sydney Metro and subject to the Chief Executive Officer determining that the decision will not have a significant adverse financial impact on the Council.

Reasons for Recommendation

The application is recommended for delegation to the Chief Executive Officer for determination for the following reasons:

- (A) The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new hotel accommodation and commercial floor space.
- (B) The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury.
- (C) The development complies with the maximum height, floor space and car parking controls contained under the Sydney Local Environmental Plan 2012.
- (D) The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney Local Environmental Plan 2012. The slim tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The tower results in acceptable environmental impacts and achieves a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for employees to the site and is suitably located close to good public transport.
- (E) The proposed construction methodology and completed design responds appropriately to the surrounding heritage context and does not adversely affect adjoining heritage items.
- (F) The development is anticipated to create 513 construction and 1,163 ongoing operational jobs.
- (G) The development has provided sufficient information to address the Secretary's Environmental Assessment Requirements.
- (H) All other issues have been appropriately addressed by recommended conditions of consent.