

Attachment A

<h2>Assessment Report</h2>

New Hotel Bligh Street, Sydney

State Significant Development Assessment SSD
48674209 (Council Reference D/2023/113)

December 2023



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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
City	City of Sydney Council
CIV	Capital Investment Value
CPP	Community Participation Plan
CSPC	Central Sydney Planning Committee
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
Heritage NSW	Heritage NSW, Department of Planning and Environment
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSDA	State Significant Development Application
SSD	State Significant Development

Executive Summary

This report provides an assessment of a proposal for a 59-storey mixed use commercial and hotel building at a site on Bligh Street in the Sydney CBD. The building will accommodate eight levels of commercial office space within the podium, 421 hotel rooms, associated food and drink premises and 5 levels of basement accommodating back of house functions, car and bike parking, end of journey facilities and plant.

This application follows, and is generally consistent with, the design competition winning scheme resulting from a competitive design process held in February 2019. The winning scheme prepared by Woods Bagot are the nominated architects for the subject application.

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 is submitted to the City for assessment to ensure alignment in the early works DA and this SSDA.

This is a State Significant Development Application in accordance with Section 13 of Schedule 1 of the Planning Systems SEPP as the capital investment value of the hotel component exceeds \$100 million. On 24 October 2019, the then Minister for Planning and Public Spaces delegated the assessment of the application to the City of Sydney (the City) for assessment and determination.

Engagement

The City publicly exhibited the application 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 of objection. Key issues raised in public submissions are listed in Section 5.5 of this report.

In response to issues raised in submissions, the applicant submitted an 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 and two additional government agency submissions.

Assessment

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

Strategic Planning Framework

The proposal is consistent with the strategic planning framework established for the site. In particular, the proposal is consistent with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan as it would support the increase in tourist and conference assets within the CBD while supporting a late-night economy and maintain commercial office floor space, supporting the ongoing commercial uses in Central Sydney.

Design Excellence

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

Built Form

The built form of the proposed development is generally in accordance with built form controls applicable to the site as a result of a Planning Proposal and subsequent site-specific controls contained in the Sydney LEP 2012 and Sydney DCP 2012. The proposed development is consistent with the site-specific provisions as the built form:

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

Sydney Metro

The site is located above the Sydney Metro tunnels and as such was referred to Sydney Metro for support and recommended conditions of consent from Sydney Metro to ensure their structural integrity during construction and occupation. Insufficient information has been received to date, and discussions are ongoing between Sydney Metro and the applicant to resolve this aspect of the development. Assurances have been provided by both parties that, subject to the submission of additional information, support and conditions can be provided. It is therefore recommended that determination of the application be delegated to the Chief Executive Officer of the City of Sydney, pending the receipt (or otherwise) of conditions.

Conclusion

The detailed design application is generally consistent with the relevant planning controls for the site and adequately justifies any areas of non-compliance, as detailed throughout this assessment report. The development follows a competitive design process and will achieve design excellence.

The development complies with the maximum height, floor space and car parking provisions of the Sydney LEP 2012. Subject to conditions, the development will not result in any adverse environmental impacts and will provide a good standard of amenity to occupants within the building and surrounding developments.

The proposal is considered to be in the public interest and is recommended for deferred commencement consent and to be delegated to the Chief Executive Officer of the City of Sydney, pending the receipt (or otherwise) of support and conditions from Sydney Metro and the exhibition of the Deed of Variation of the Planning Agreement.

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1 Introduction

Holdmark NSW Pty Ltd (the Applicant) seeks approval for the construction of a new 59-storey mixed-use hotel and commercial tower above a podium, and five levels of basement car parking and back of house operations. The development would accommodate approximately 420 hotel rooms, associated conference and function spaces, eight levels of commercial office space within the podium levels and food and drink tenancies. Basement levels are proposed to contain car parking, plant areas, hotel back of house functions, waste storage areas, bicycle storage, end of journey facilities and plant.

1.1 Site Context

The site is located within the north-eastern part of Central Sydney in a block bound by Bligh Street to the west, Hunter Street to the south, Chifley Square/Phillip Street to the east, and Bent Street to the north. The surrounding buildings are generally characterised by a mix of commercial office and hotel uses with ground level retail, restaurant and cafe uses and are of varying heights, ages and styles, including a number of State and local listed heritage buildings. The site is also located in proximity to existing public transport infrastructure including Martin Place, Wynyard and Circular Quay train stations and a number of future Sydney Metro City & Southwest and Sydney Metro West station sites.



Figure 1 | Regional Context Map (Source: Urbis)



Figure 2 | Subject site proximity to existing and future public transport services

1.2 The Site

The subject site has a rectangular footprint and an area of approximately 1,218sqm. The site is located within Central Sydney and fronts Bligh Street. The site is legally described as Lot 1 in Deposited Plan (DP) 1244245 and is identified in **Figures 1 and 2**.

The site contains a commercial office building with ground floor retail uses and basement car parking known as “Bligh House”. Completed in 1964, Bligh House is an 18-storey tower inclusive of a three-storey podium with the podium levels built to the Bligh Street alignment and the tower set back from the street frontage.

The site is not listed as a heritage item nor is it located within a heritage conservation area. Several buildings of State and local heritage significance surround the subject site (see further discussion below).

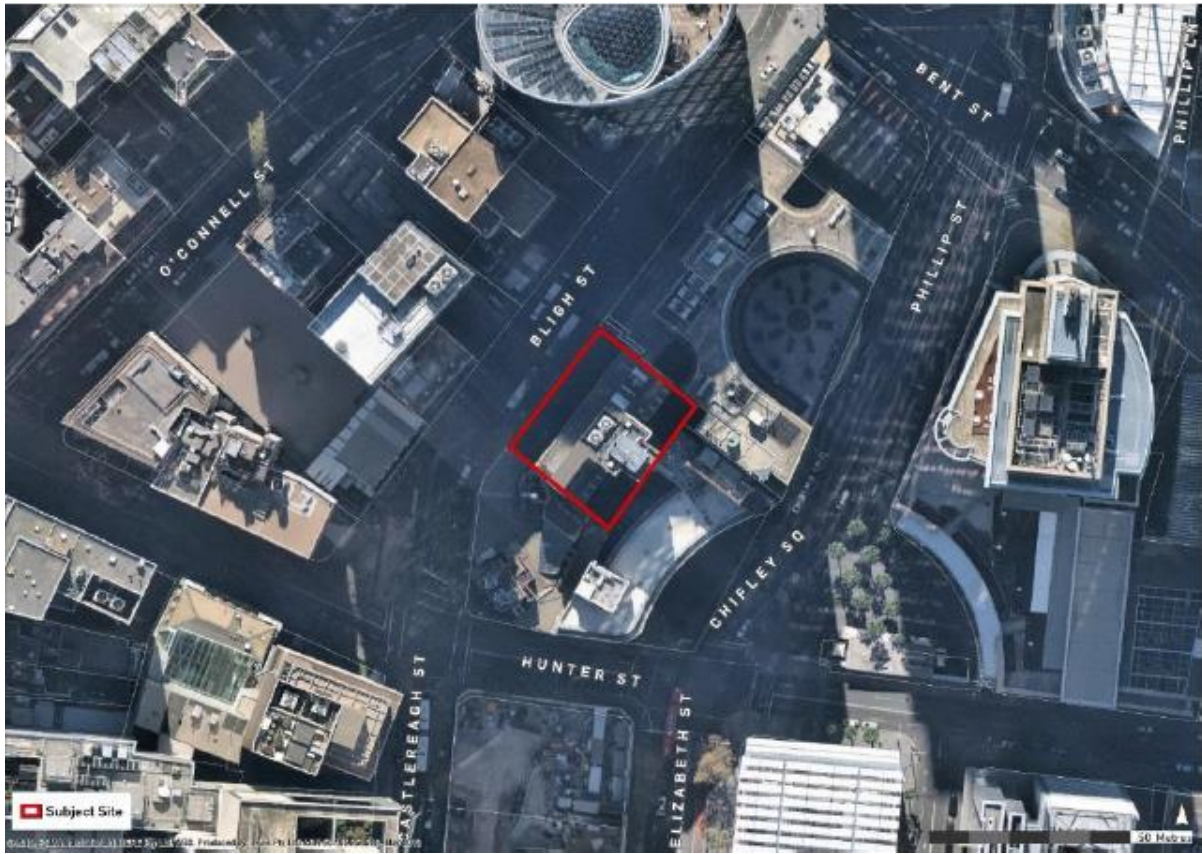


Figure 3 | Aerial image of subject site and surrounding development (Source: Urbis)



Figure 4 | Subject site viewed from Bligh Street (Source: Urbis)



Figure 5 | Existing building podium viewed from Bligh Street (Source: City of Sydney)



Figure 6 | Existing building facade (Source: Urbis)

1.3 Surrounding Site Context

The surrounding buildings are generally characterised by a mix of commercial office and hotel uses with ground level retail, restaurant and cafe uses and are of varying heights, ages and styles, including a number of State and local listed heritage buildings.

The surrounding locality is described as follows:

- **North:** Adjoining the site to the north at 61-101 Phillip Street is the Sofitel Wentworth Sydney, a 19-storey hotel build in 1966. The hotel consists of 436 hotel rooms and 46 suites on levels 3 to 19, and the Wentworth Connection retail arcade with three levels of bars, shops, restaurants, function rooms, eight meeting rooms and hotel reception. The building is a locally listed heritage item under the Sydney LEP 2012 (item number I1674).
- **East:** To the immediate south-east of the site is Chifley Square, a large semi-circular space bisected by Phillip Street. The public space is a local heritage item listed under the Sydney LEP 2012 (item number I1708), recognised for its historical and aesthetic significance. 'Qantas House' at 1 Chifley Square is a 12-storey office building that includes three levels of retail uses and directly adjoins the subject site. The building is a State-listed heritage item (item number I1811) under the Sydney LEP 2012. Further to the east of the site located at 2 Chifley Square is Chifley Tower.
- **South:** To the immediate south of the site at 66 Hunter Street, is the 'City Mutual Building', a 12-storey office block, completed in 1936 with basement level car parking and storage areas. The building is a State-listed heritage item listed under the Sydney LEP 2012 (item number I1675).
- **West:** The western side of Bligh Street is dominated by commercial office towers ranging in height from 29 to 31 storeys, and the four-storey 'NSW Club' building at 31 Bligh Street. The NSW Club building is a State heritage listed building (item number I1676) under the Sydney LEP 2012. A Sydney metro tunnelling support site is located at 33 Bligh Street to support the new metro station at Martin Place.

Photos of surrounding developments are provided in **Figures 7 to 10** below.



Figures 7 and 8 | City Mutual Building (left) and NSW Club building (right) (Source: Urbis)



Figures 9 and 10 | Qantas House (left) and the Sofitel Wentworth (right) (Source: Urbis)

1.4 Need and Justification

The applicant has identified the existing inadequacies of the existing building on the site and the benefits of the proposed development in line with existing and proposed strategic planning documents. As outlined as a ‘do nothing’ approach, the application notes the following consequences of maintaining the existing building:

- The site will avoid the potential economic contribution of \$333,010,495 to the NSW economy, 513 construction jobs and 1,165 operational jobs.
- The existing site does not adequately align with the strategic objectives for the CBD and accompanying development controls.
- The current activation of the street and public amenity provided directly fronting the site is in great need of upgrades and activation.

There is an identifiable strategic need for the proposed development which provides an opportunity to deliver the following:

- A high density of development that capitalises upon the sustainable and economic efficiencies associated with providing density in close proximity to major transport infrastructure nodes, specifically the new Sydney Metro West and City and South West networks.
- The delivery of 26,781sqm GFA will reinforce demand and provide critical mass to support and optimise the State investment in the public transport network.
- A suitable structural solution to be further developed during the design development process to mitigate any potential impact to the construction and operation of the Sydney Metro tunnels.
- A range of employment-generating land uses to ensure there is a consistent population activating the site throughout the day and evening.

- A highly resolved and elegant design solution that provides a contemporary response to the site and surrounding context. The design seeks to deliver a simple yet confident architectural form that draws upon the three elements of the city; the skyline, the urban block and the street. The building height and materiality will create a new visual anchor in the Sydney skyline, contributing to the diversity and architectural expression of Central Sydney.
- A significant contribution to the public domain through significant improvement to the activation, accessibility and amenity of Bligh Street.
- Successful mitigation of environmental considerations including wind, noise and vibration, flooding, traffic and stormwater impacts.

2 Project

2.1 Project Description

The application seeks consent for the construction of a 59-storey mixed use hotel and commercial tower above a commercial office podium with five levels of basement. The development would accommodate 421 hotel rooms, associate hotel conference and functions spaces, eight storeys of commercial office space, basement parking, back of house function, plant, bicycle storage and end of journey facilities and food and drinks tenancies.

Specifically, development consent is sought for:

- Site establishment and de-commissioning and removal of an existing substation (s2041) on the site.
- Construction of a 59-storey hotel and commercial office tower. The tower will have a maximum building height of RL225.88 (205m) and a total GFA of 26,781sqm, and will include:
 - Five basement levels accommodating a substation, rainwater tank, hotel back of house, plant and services. A Porte Cochere and four service bays will be provided on basement level 1, in addition to 106 employee and visitor bicycle spaces and end of journey facilities provided on basement level 1 and basement level 2, and 28 parking spaces are provided across basement level 4 and basement level 5.
 - A 12-storey podium accommodating hotel concierge and a lounge bar / café at ground level, function space, eight levels of co-working and commercial floor space, and hotel amenities including a pool, outdoor terrace and gymnasium at level 12.
 - 42 hotel tower levels including 421 hotel keys comprising standard rooms, suites and a penthouse.
 - A restaurant, bar, back of house and a landscaped terrace at the tower crown at level 57 and 58.
 - Plant, servicing and BMU at level 59 and rooftop.
- Increase to the width of the existing Bligh Street vehicular crossover to 4.25m and provision of an additional 4m vehicular crossover on Bligh Street to provide one-way vehicular access into the site.
- Landscaping and public domain improvements including:
 - Construction of a landscape pergola structure on the vertical façade of the north-eastern and south-eastern podium elevations,
 - Awning and podium planters, and
 - Provision of a feature tree at the level 57 terrace.

- Identification of two top of awning building identification signage zones with a maximum dimension of 1200mm x 300mm. Consent for detailed signage installation will form part of a separate development application.
- Utilities and service provision.
- Installation of public art at ground level and six visitor bicycle parking spaces in the public domain.

The application also includes a proposal to vary the existing Planning Agreement that is registered on title. The existing Planning Agreement was a result from the Planning Proposal that established the current development controls applicable to the site. The Planning Agreement applies to development on the site with a maximum GFA of 26,796sqm including the potential design excellence bonus. Key considerations of the VPA applicable to this SSDA are:

- A monetary contribution for infrastructure at a rate of \$1003 per sqm of strategic floor space to be paid on or before issuance of the Construction Certificate,
- A monetary contribution for affordable housing per sqm as indexed within Appendix A of the VPA to be paid on or before issuance of the Construction Certificate,
- Achievement of 5 Star NABERS Energy for the base building and 4 Star NABERS Water for the commercial office component, to be registered after the Occupation Certificate is issued in accordance with the NABERS rating process, and
- Achievement of 4.5 Star NABERS Energy for the hotel component to be registered after the Occupation Certificate is issued in accordance with the NABERS rating process.

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.

It is therefore proposed to amend the existing Planning Agreement to exclude the required payment of section 7.12 contributions that seek to levy a contribution above 1% of the total cost of development from development on the site.

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.

A separate development consent (D/2018/892) relating to early works for the proposed application was granted for the site on 31 January 2020. Consent was granted for demolition, 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, which will be modified through a concurrent section 4.55 application lodged to the City to ensure alignment on

the basement levels and additional two levels of excavation (pending the issuance of amended concurrence from Sydney Metro).

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

The key components and features of the project are provided in **Table 1** and **Figures 11** to **40** below.

2.2 Project Components

Table 1 | Main Components of the Project

Aspect	Description
Built Form	<p>The application proposes a 59-storey tower (205m, RL225.88m AHD), sitting above an 11-storey podium.</p> <p>The tower is set back 8m from the Bligh Street frontage, 3m to 3.4m from the northern boundary with the Sofitel Wentworth, 4.9m to 6m from the eastern boundary with Qantas House and 3m to 3.6m from the southern boundary with the City Mutual building.</p> <p>The 11-storey podium seeks to match the existing street wall height of the City Mutual building fronting Bligh Street.</p>
Uses	<p>The application proposes the following mix of land uses:</p> <p>Hotel</p> <ul style="list-style-type: none"> • 421 guest rooms • Function/conference space • Gym • Pool <p>Commercial office</p> <ul style="list-style-type: none"> • 6,166sqm of office space over eight podium levels <p>Retail</p> <ul style="list-style-type: none"> • Ground floor café/bar • Restaurant and bar on levels 57 and 58
Gross Floor Area	<p>A total GFA of 26,781sqm, comprising:</p> <ul style="list-style-type: none"> • Hotel: 19,857sqm • Office: 6,166sqm • Retail: 758sqm
Hours of Operation	<ul style="list-style-type: none"> • Hotel reception, concierge, pool and gym facilities, function centre and lobby lounge: 24 hours • All day dining restaurant: 6am to midnight • Lounge lobby bar/café: 7am to 1am the following day • Rooftop bar: 7am to 2am the following day
Access and Parking	<p>One-way vehicular access into the site is provided from Bligh Street at the north-eastern corner of the site to the porte-cochere at basement level 1. The internal vehicular access continues through a one-way vehicular access out of the site at the south-eastern corner of the site.</p>

In addition to storage and back of house functions, the proposed basements provide the following:

- 28 car parking bays
- 4 loading bays
- 112 bicycle storage spaces
- End of journey facilities including 16 showers and lockers

Employment

Estimated 513 construction jobs and 1,163 ongoing operational jobs

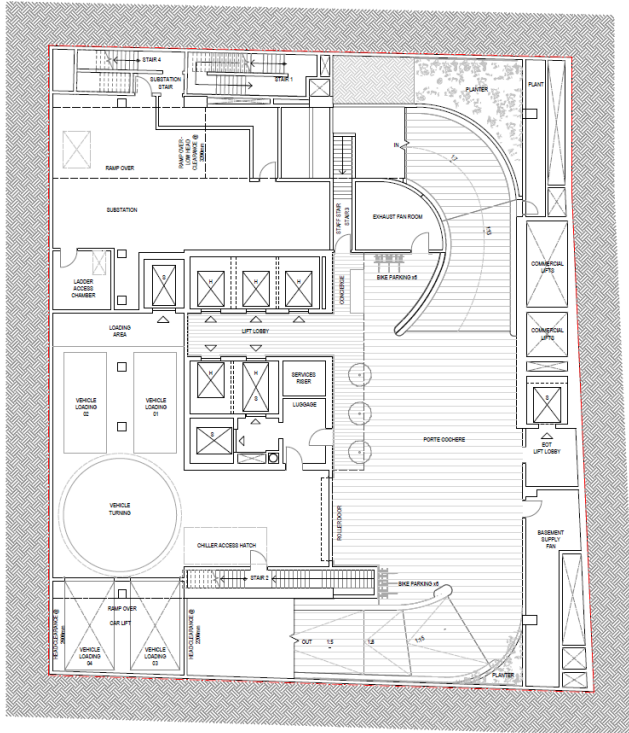


Figure 11 | Proposed basement level 1 (Source: Woods Bagot)

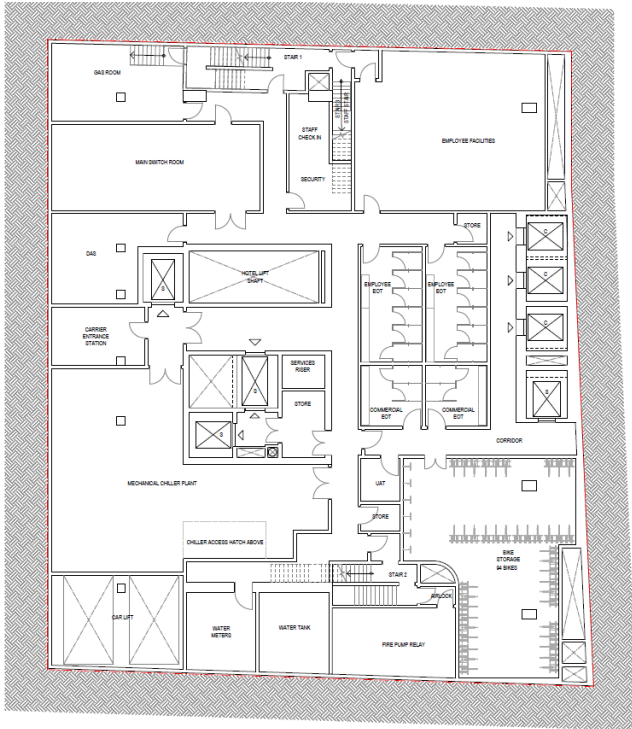


Figure 12 | Proposed basement level 2 (Source: Woods Bagot)

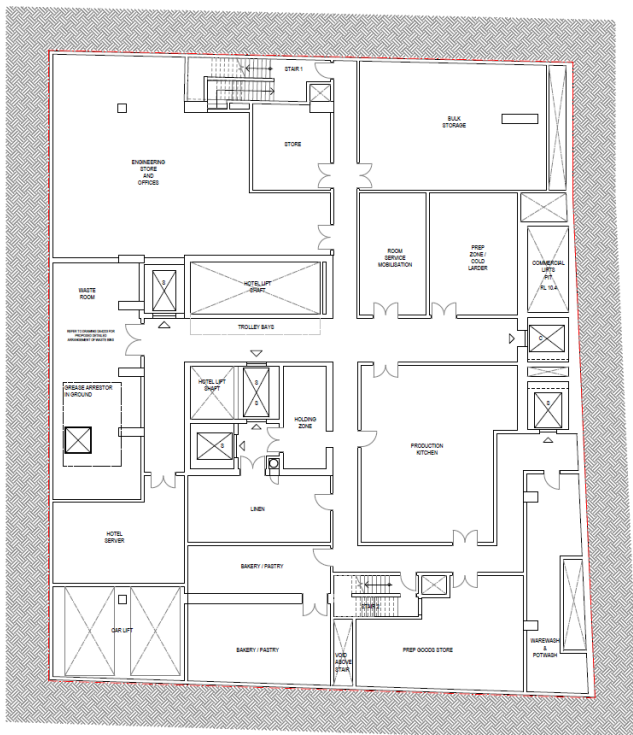


Figure 13 | Proposed basement level 3 (Source: Woods Bagot)

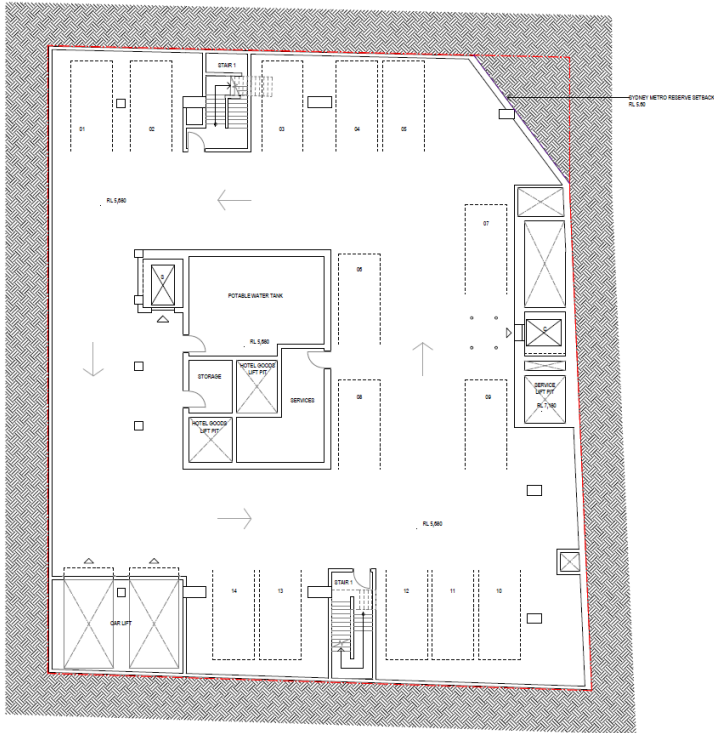


Figure 14 | Proposed basement level 4 (Source: Woods Bagot)

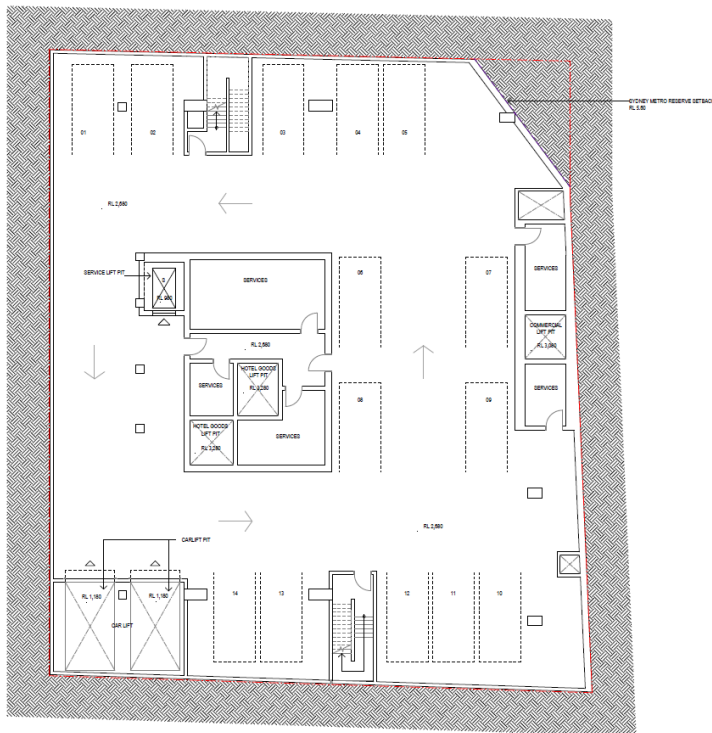


Figure 15 | Proposed basement level 5 (Source: Woods Bagot)

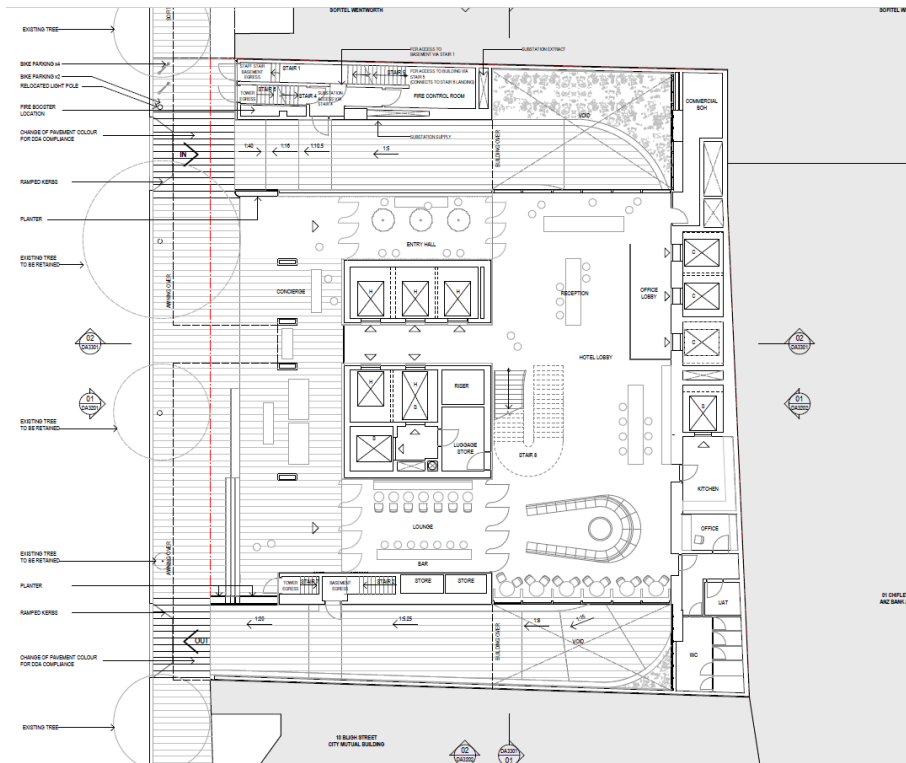


Figure 16 | Proposed ground floor plan (Source: Woods Bagot)

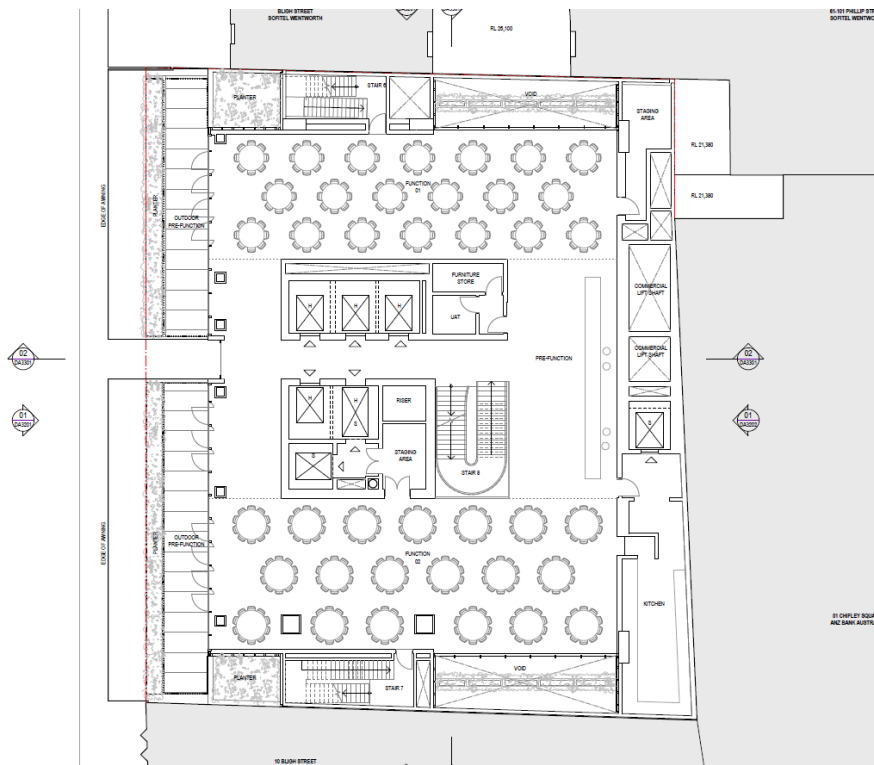


Figure 17 | Proposed level 1 (Source: Woods Bagot)



Figure 18 | Proposed level 2 (Source: Woods Bagot)

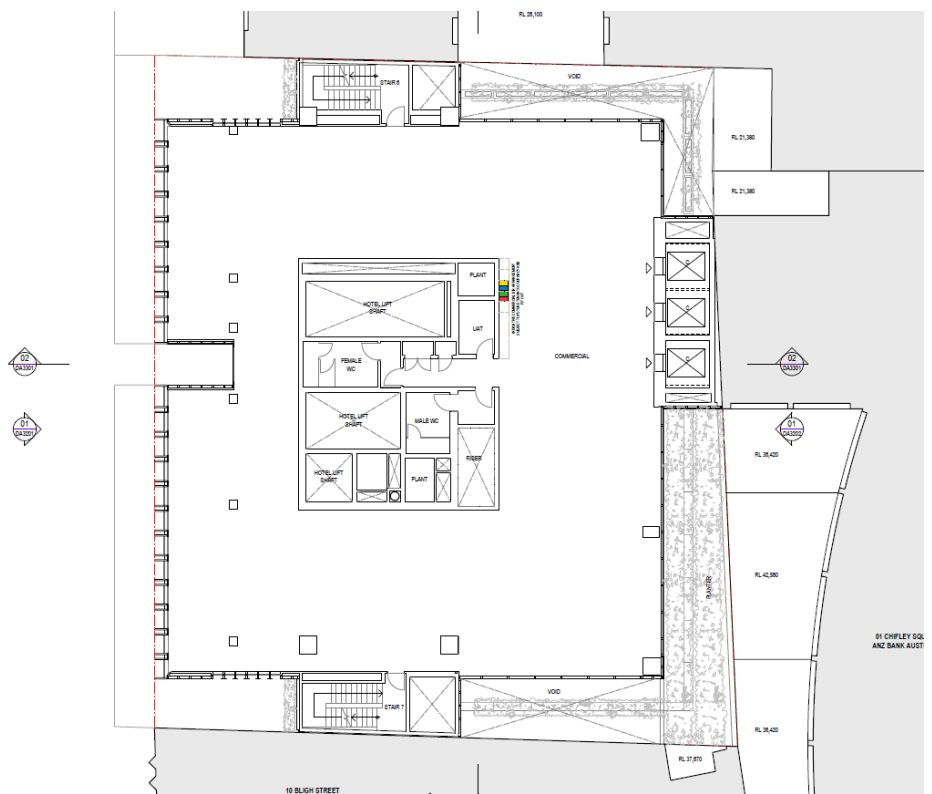


Figure 19 | Proposed levels 3-9 (Source: Woods Bagot)

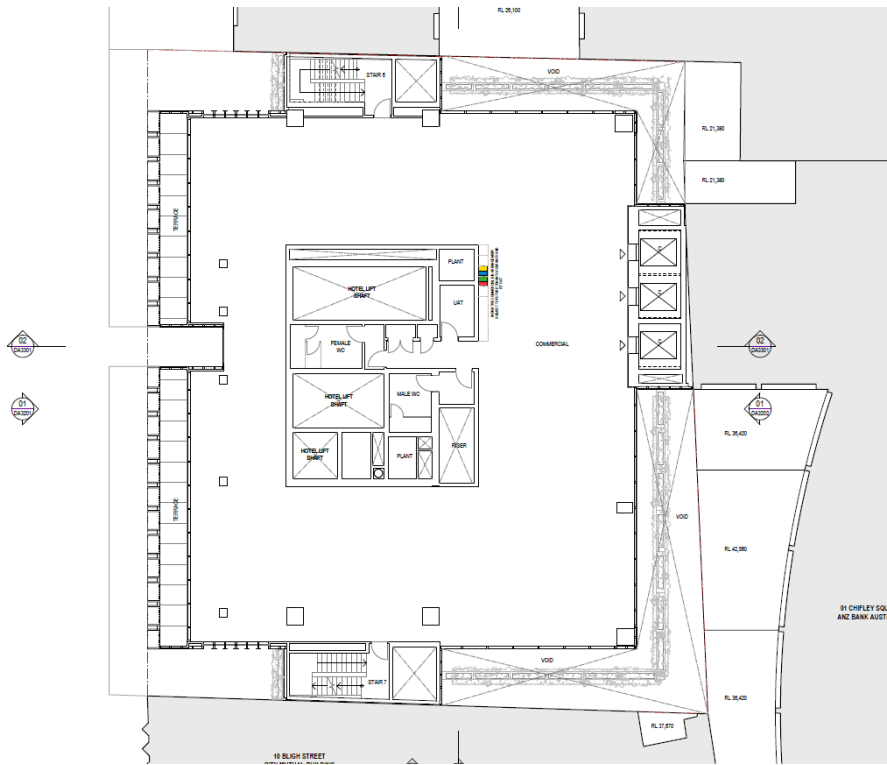


Figure 20 | Proposed level 10 (Source: Woods Bagot)

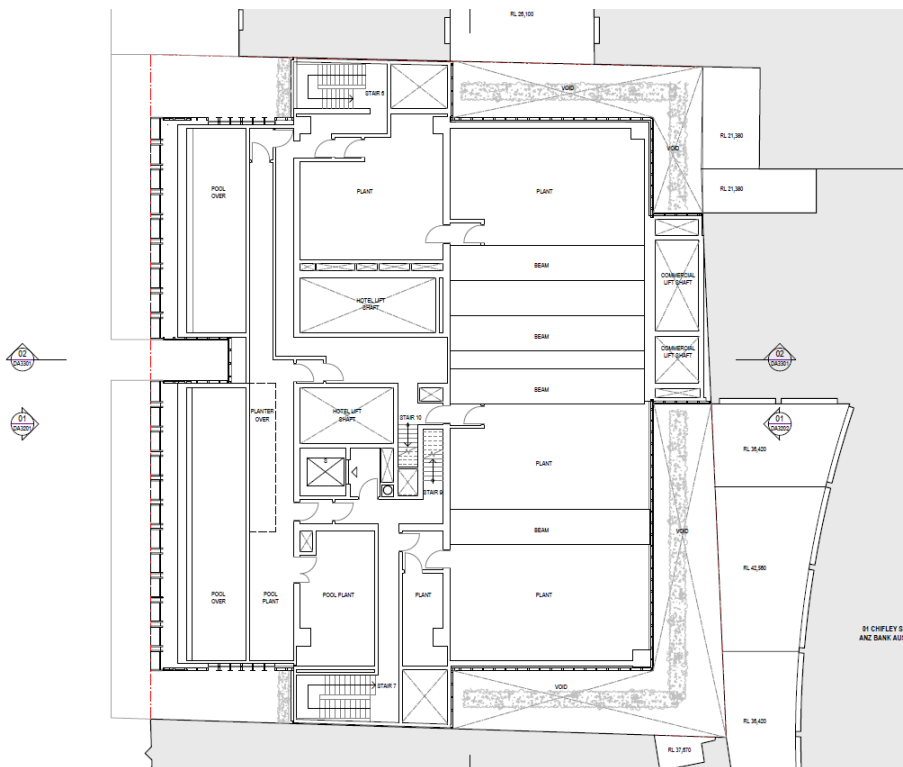


Figure 21 | Proposed level 11 (Source: Woods Bagot)

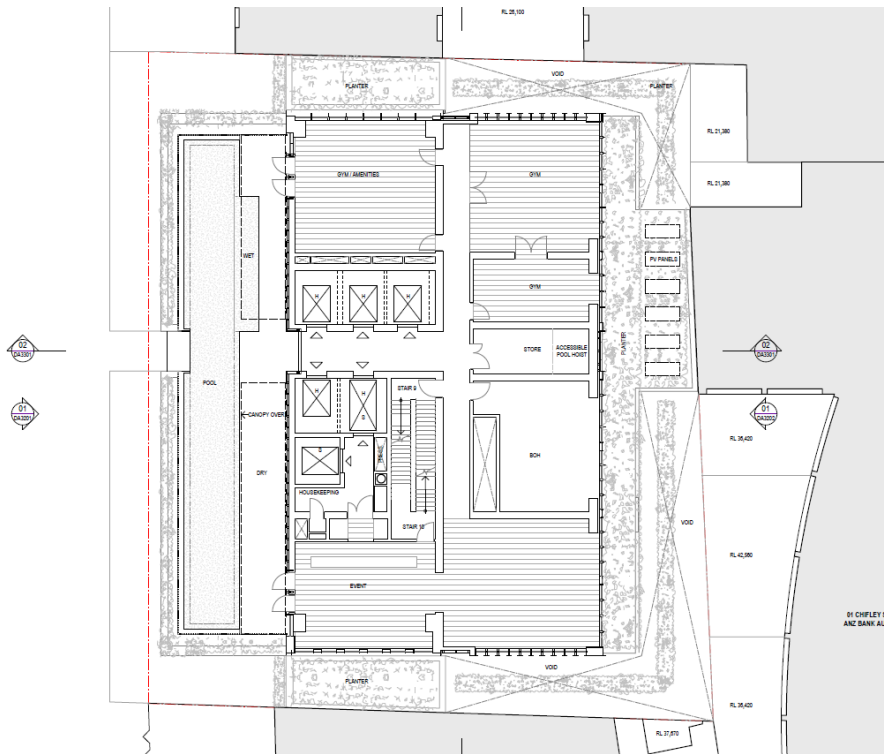


Figure 22 | Proposed level 12 (Source: Woods Bagot)

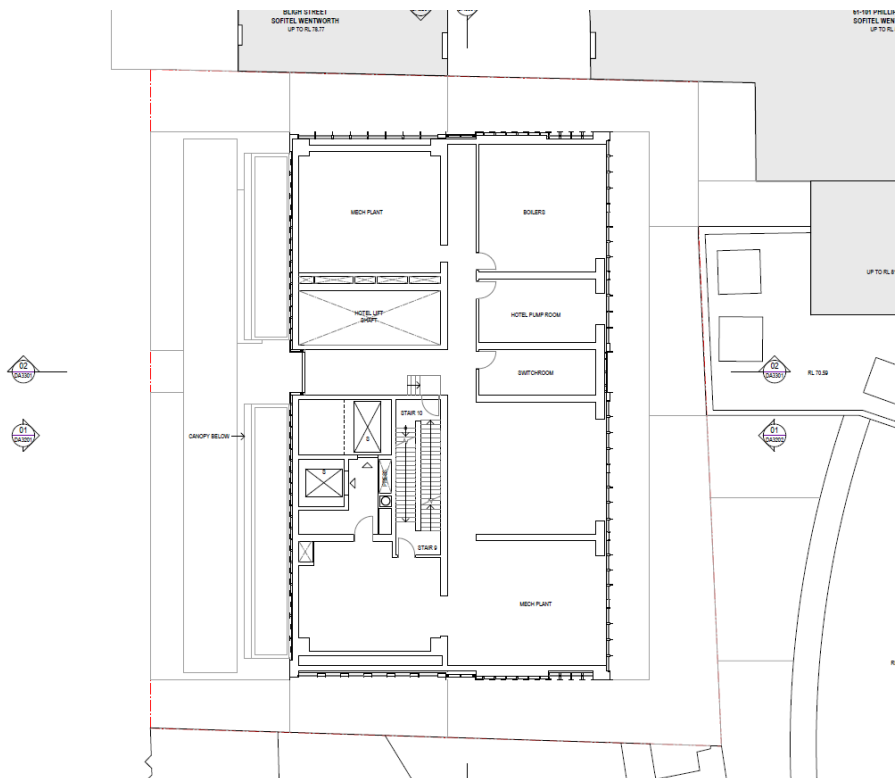


Figure 23 | Proposed level 13 (Source: Woods Bagot)

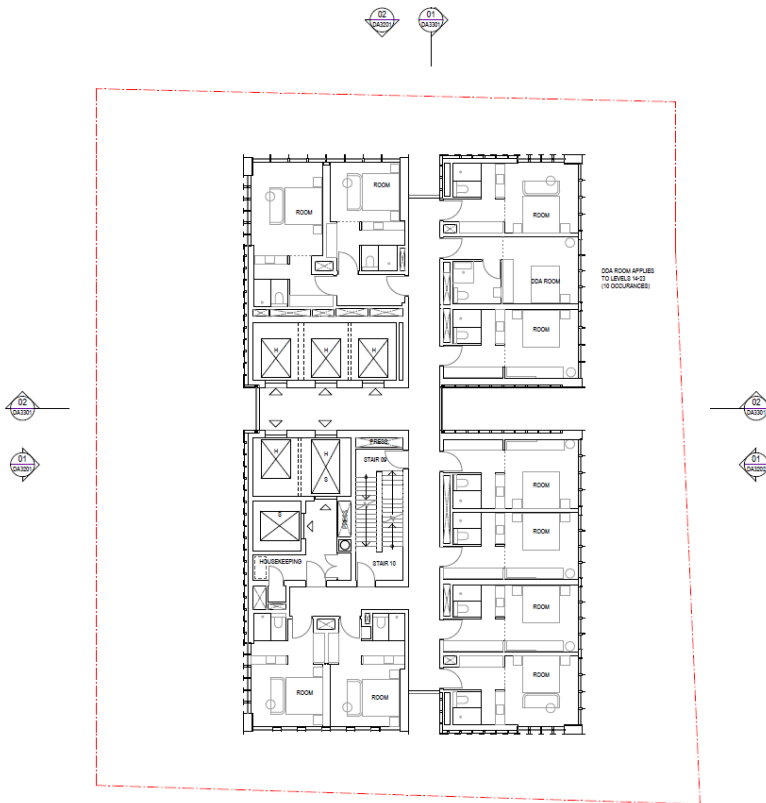


Figure 24 | Proposed levels 14-32 (Source: Woods Bagot)

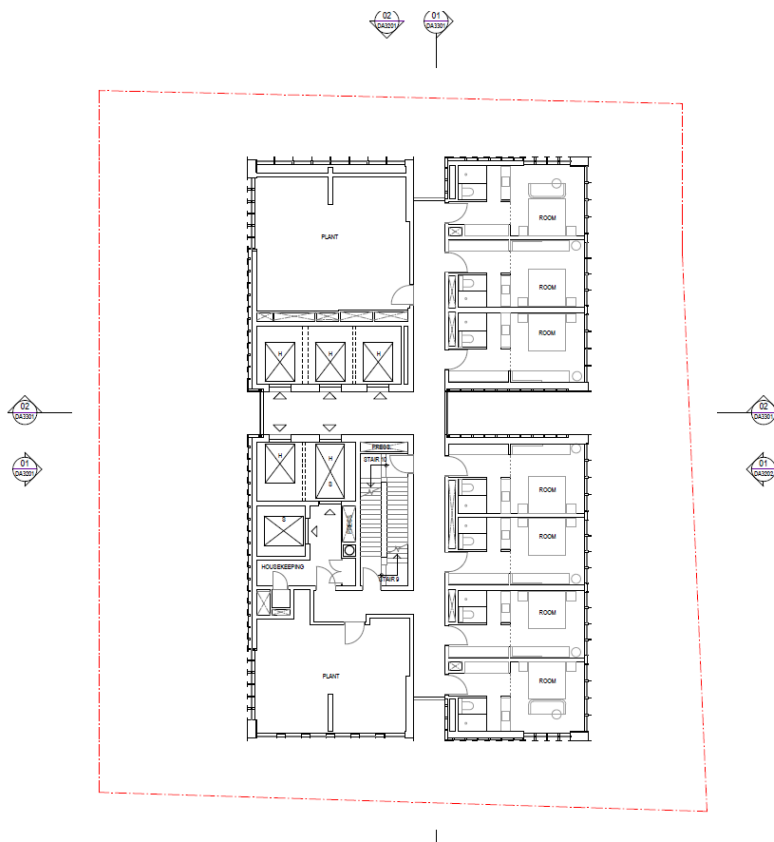


Figure 25 | Proposed level 33 (Source: Woods Bagot)

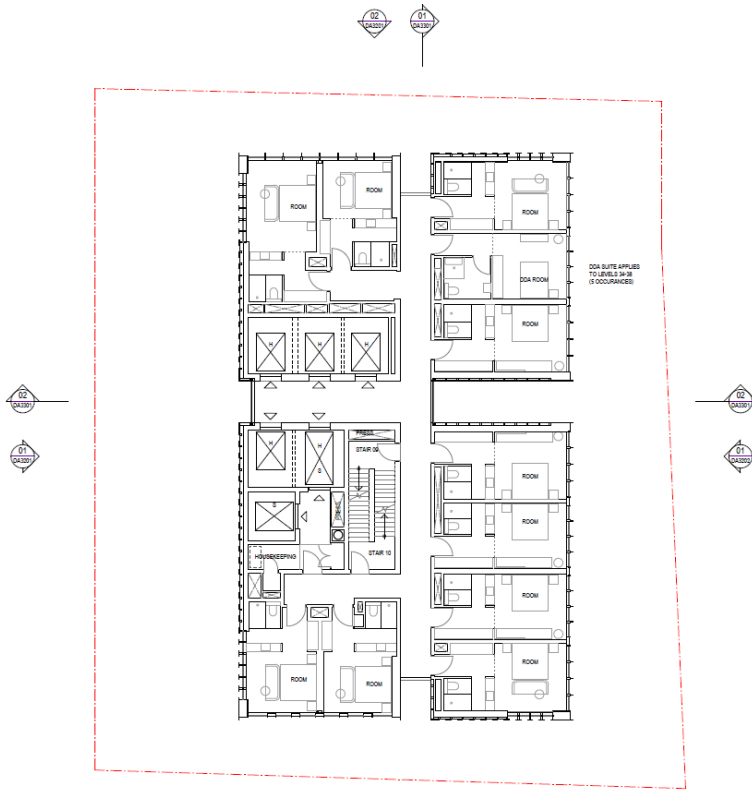


Figure 26 | Proposed levels 34-45 (Source: Woods Bagot)

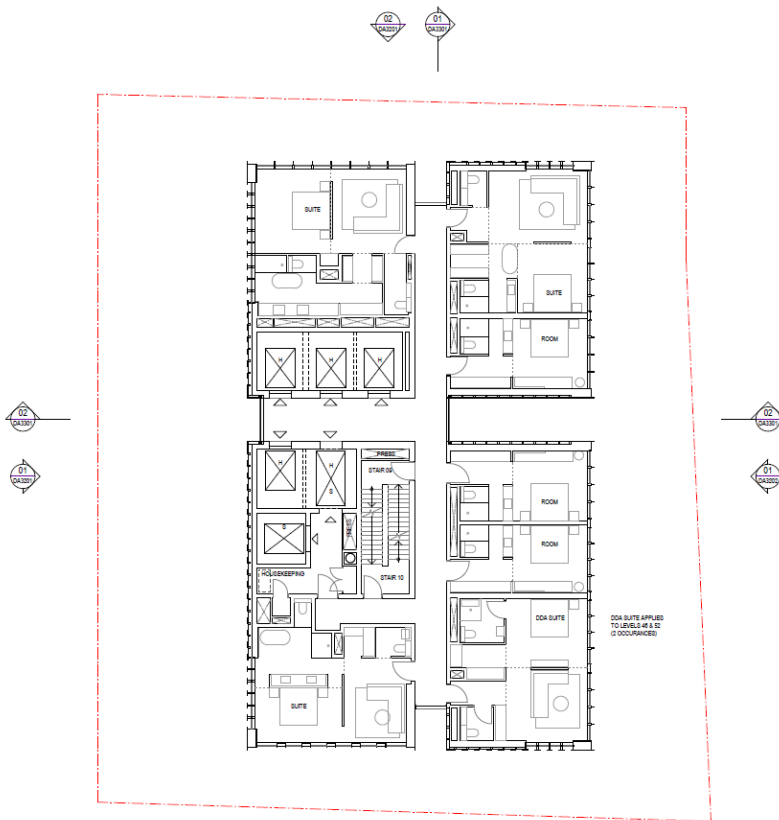


Figure 27 | Proposed levels 46-53 (Source: Woods Bagot)

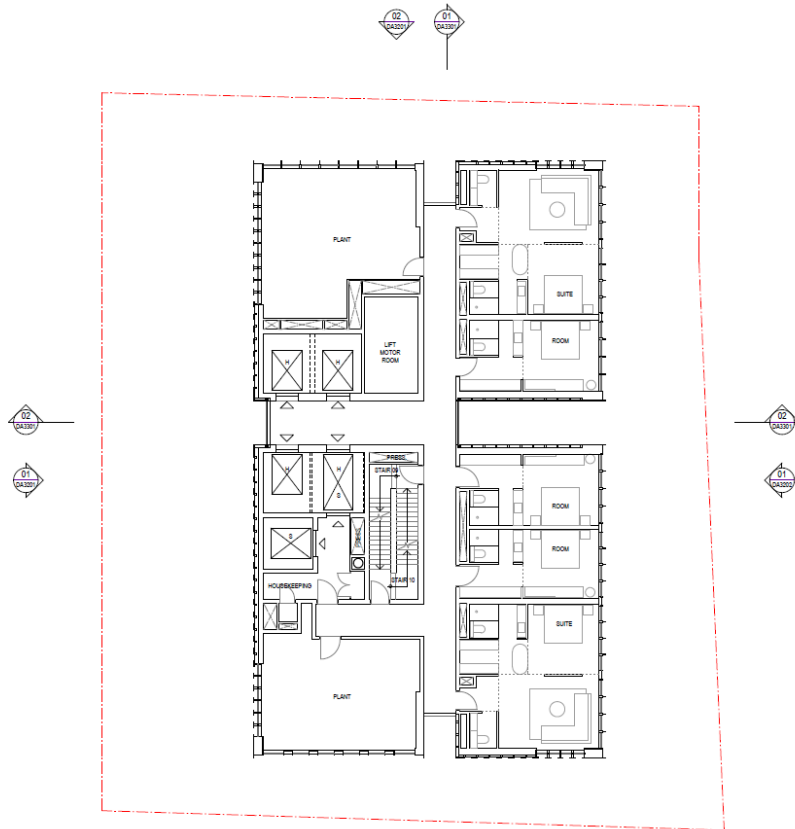


Figure 28 | Proposed level 54 (Source: Woods Bagot)

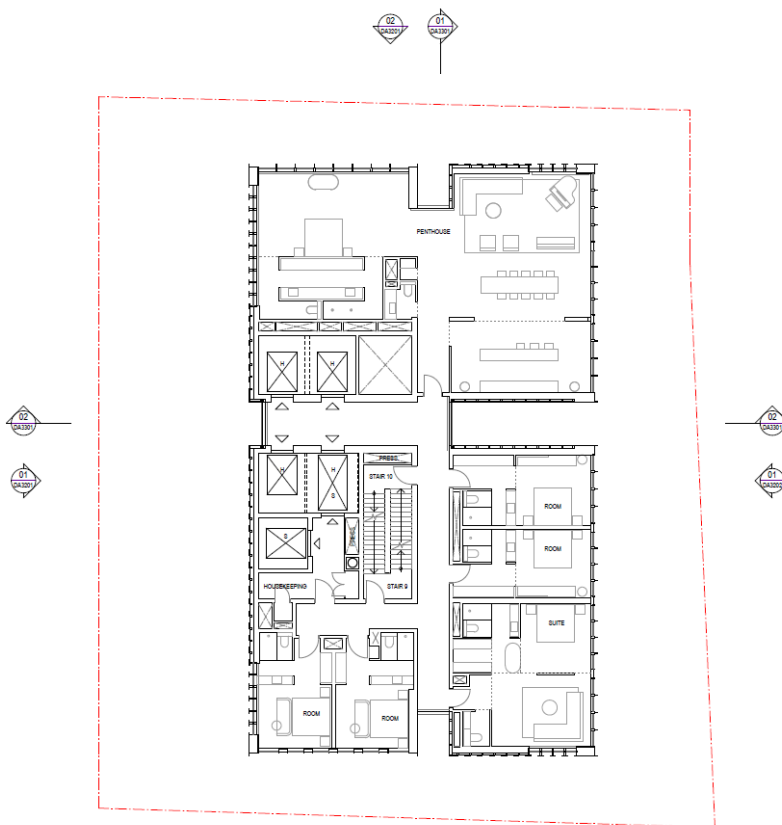


Figure 29 | Proposed level 55 (Source: Woods Bagot)

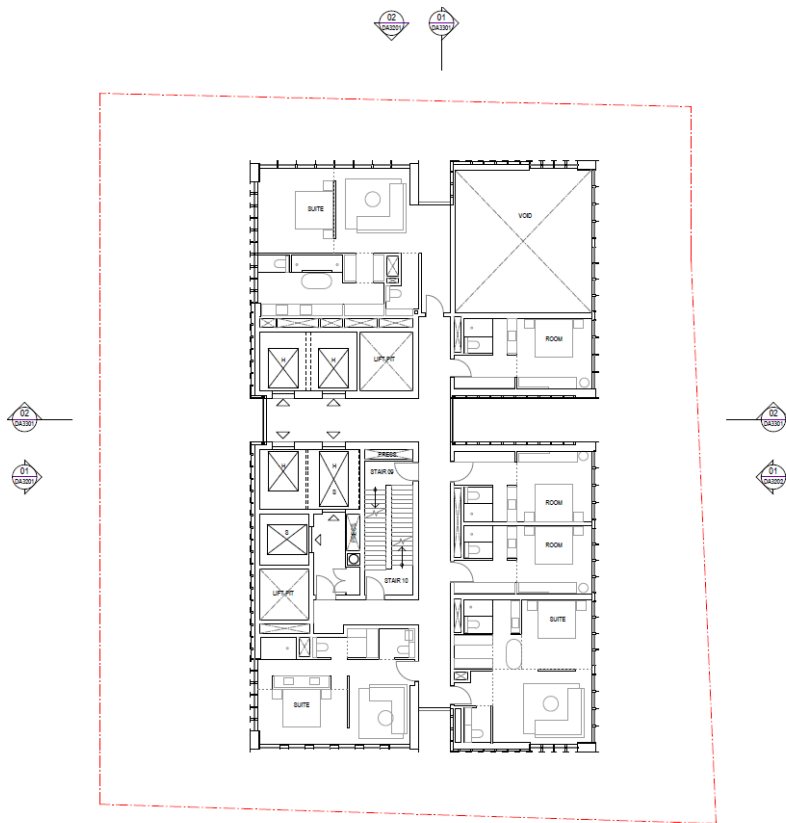


Figure 30 | Proposed level 56 (Source: Woods Bagot)

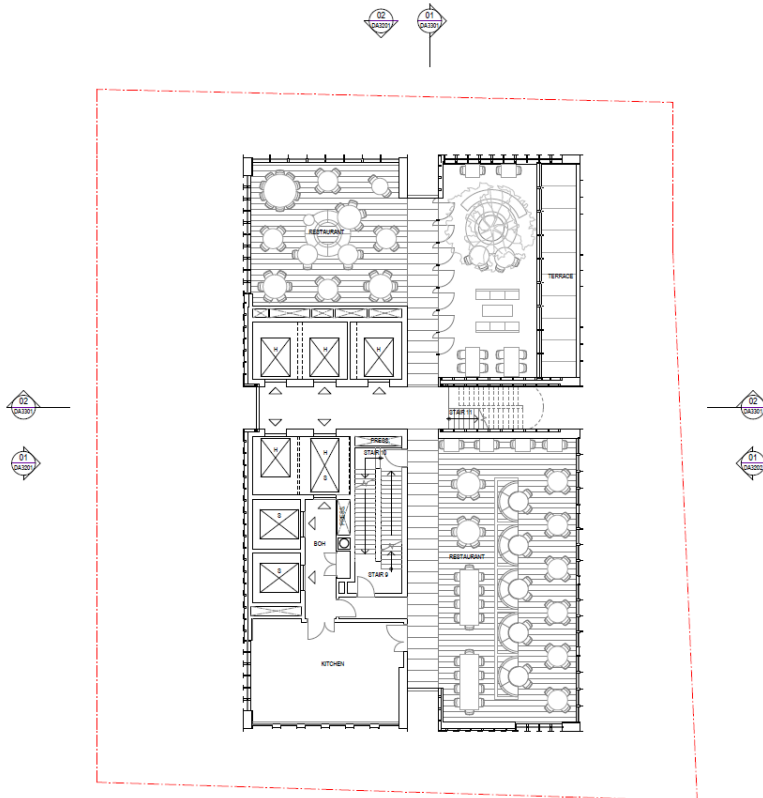


Figure 31 | Proposed level 57 (Source: Woods Bagot)

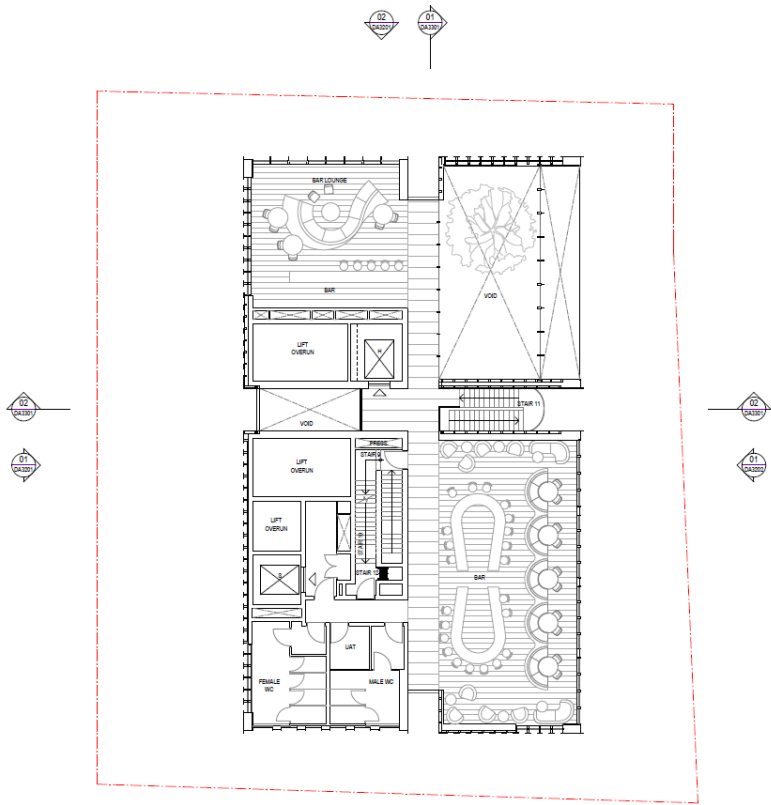


Figure 32 | Proposed level 58 (Source: Woods Bagot)

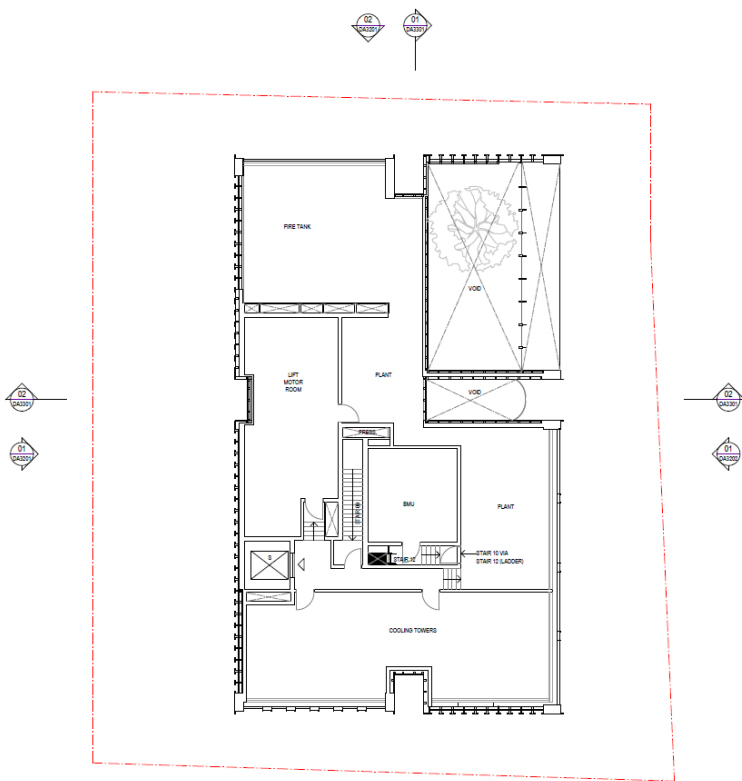


Figure 33 | Proposed level 59 (Source: Woods Bagot)

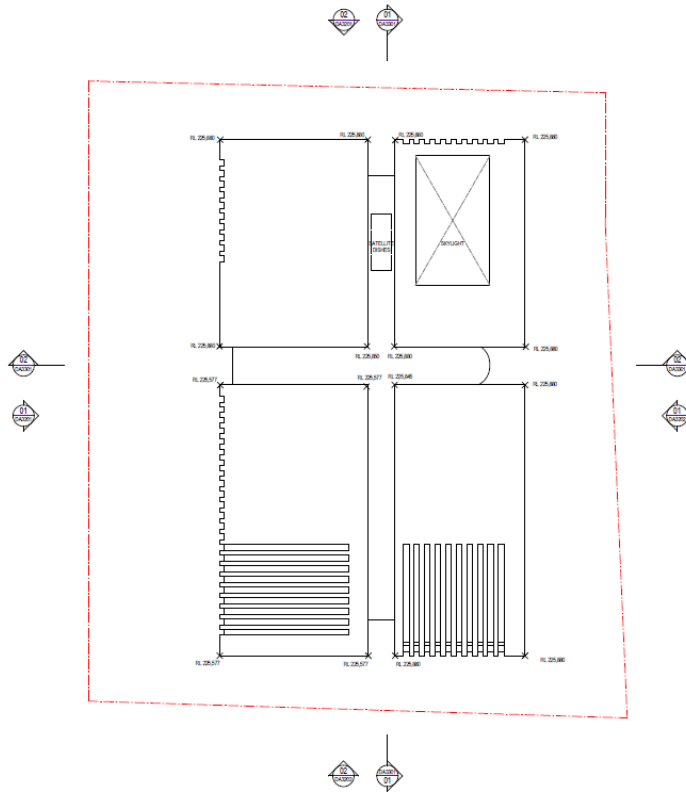


Figure 34 | Proposed roof (Source: Woods Bagot)

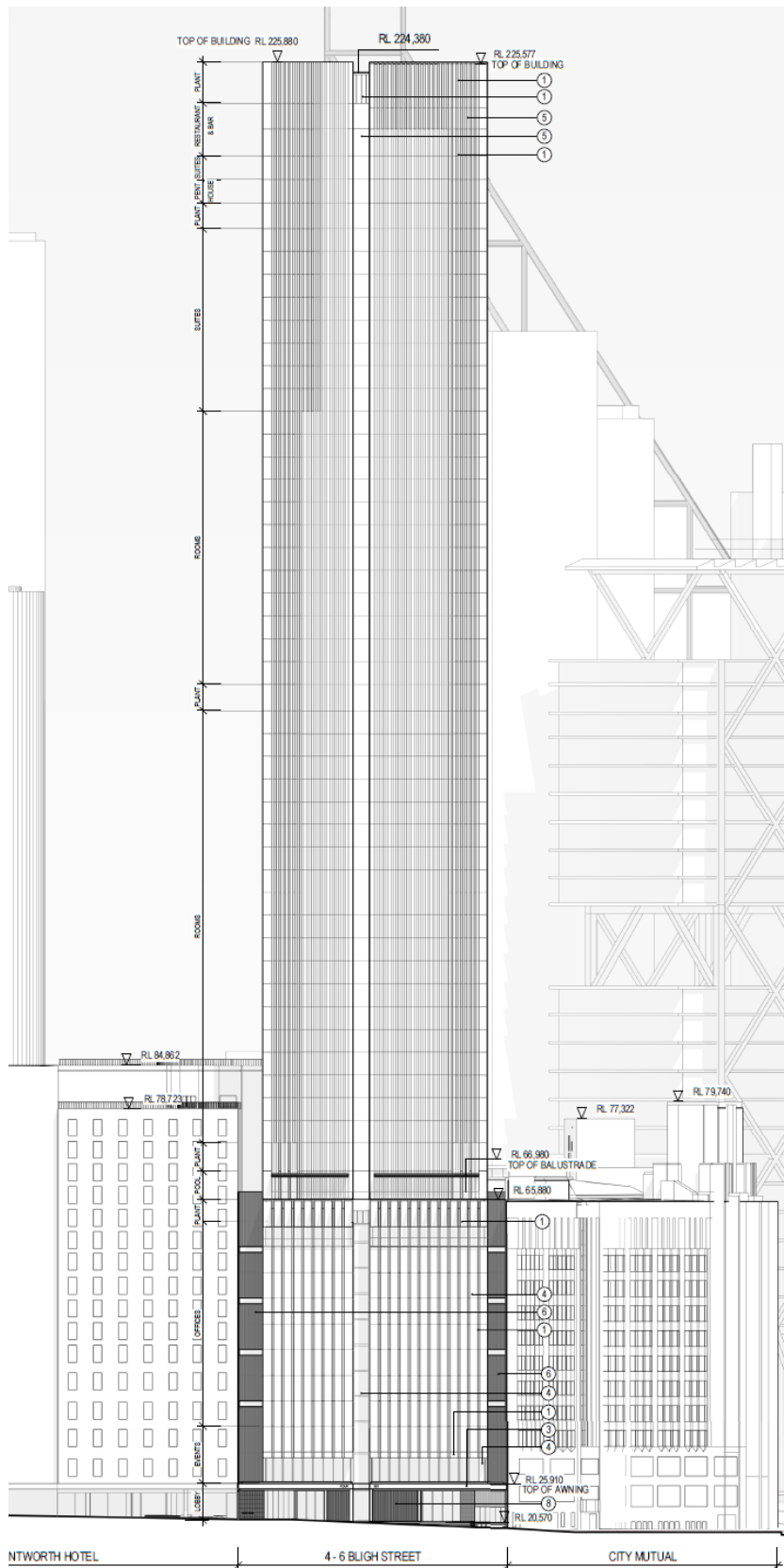


Figure 35 | Proposed north west elevation (Bligh Street) (Source: Woods Bagot)

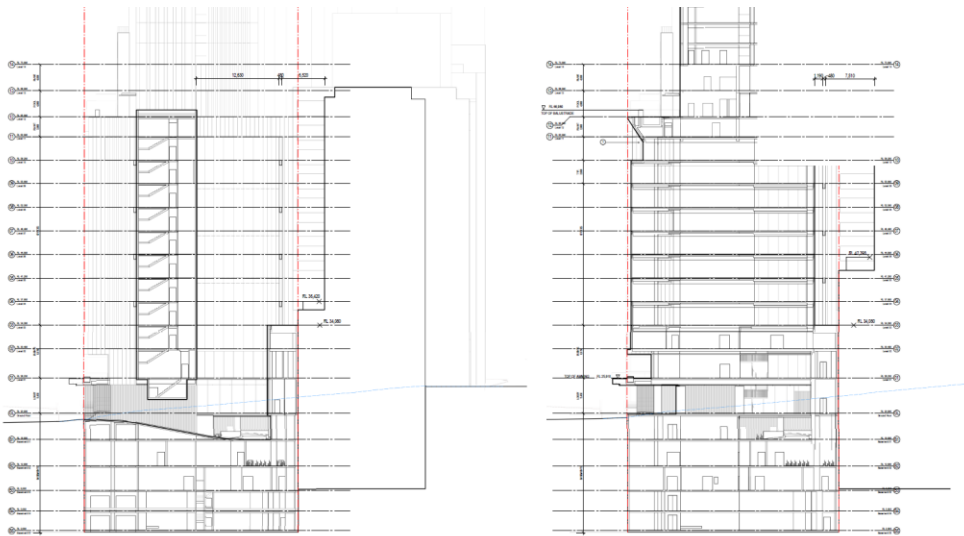


Figure 36 | Proposed podium sections (Source: Woods Bagot)



Figure 37 | Bligh Street elevation photomontage (Source: Woods Bagot)



Figure 38 | Bligh Street podium frontage photomontage (Source: Woods Bagot)



Figure 39 | Skyline photomontage (Source: Woods Bagot)



Figure 40 | Photomontage viewed from The Domain (Source: Woods Bagot)

2.3 Timing

The development will be delivered in one stage; however, construction will be carried out within three discrete stages of commencement that will be the subject of separate CCs. The overall works related to construction are described below and are expected to occur across approximately 13 months for demolition and excavation (approved under the early works DA D/2018/892) and 31 months for new construction. The indicative staging of construction certificates is outlined in **Table 2** below.

Table 2 | Construction staging strategy

Aspect	Description
CC1	Structural works
CC2	Internal fitout
CC3	Hotel preparation

2.4 Related development

As discussed above, a separate development consent (D/2018/892) relating to early works for the proposed application was granted for the site on 31 January 2020. Consent was granted for demolition, 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, which will be modified through a concurrent section 4.55 application lodged to the City to ensure alignment on the basement levels and additional two levels of

excavation. The subject application and proposed modification to the early works DA rely on the receipt of amended concurrence conditions for the early works DA to proceed with excavation to allow for an additional two basement levels. Both applications are subject to amended concurrence conditions relating to the early works DA and the provision of support and recommended conditions of consent for the subject SSDA to proceed.

3 Strategic context

3.1 Greater Sydney Region Plan

The Greater Sydney Region Plan (GSRP) supports a 40-year vision for a metropolis of three cities that will rebalance growth and deliver its benefits more equitably to residents across Greater Sydney. The site is located within the Harbour CBD.

The proposed redevelopment of the site and provision of visitor accommodation and commercial premises is entirely aligned with the Government's vision expressed within the Regional Plan.

The proposal will deliver additional economic activity, commercial office space and food and beverage facilities within a highly accessible location contributing to the achievement of a '30 Minute City'. Further leveraging the significant investment made by the NSW government in additional public transport infrastructure within the Sydney Metro (City and Southwest, and West) and Wynyard Station upgrades. The proposal will optimise the site's positioning which is at a well-connected transport node within the central CBD district, presenting a unique opportunity to align development and city-shaping infrastructure, emphasising high levels of services and accessible employment opportunities for surrounding residents of the region (Objective 14). Contributing to the diversification of the Harbour CBD's commercial activities, creating a more competitive Harbour CBD (Objective 18). Further, the proposal is providing visitor accommodation that is located in the convenient city centre, enhancing tourist attraction to increase Sydney's competitiveness as a travel destination.

The proposal has undergone an Architectural Design Competition which is an intensive process to ensure the best design is delivered for the development and its location. This has ensured the development achieves a high-quality tower design, that will contribute to the built environment for a more attractive, safe, clean, central CBD location (Objective 12). The proposal delivers upgrades to the Bligh Street frontage, through provision of a ground level portico which extends the public footpath into the site and provision of active uses along the street frontage including a lounge bar / café, bicycle parking and entry lobby. This directly aligns to the Regional Plan priorities to "Create great places that bring people together" (Objective 12).

The design has sympathetically considered and responded to the heritage significance of the surrounding and adjoining Heritage items (Objective 13). This is achieved through a considered response in terms of setbacks, podium form, articulation of the façade, vertical emphasis of openings and contemporary use of traditional materials to respond to the strong masonry character of the locality. The proposal will result in the intensified use of a strategically located site, which benefits from direct access to a wide range of public transport networks. The development incorporates a range of sustainability measures to achieve best practice sustainability and environmental performance measures in accordance with the Sydney DCP 2012 requirements for the site.

3.2 Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local Council planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning

with the longer-term metropolitan planning for Greater Sydney. The site is located within the Eastern City District.

The EIS outlines how the development address the relevant directions for the Eastern City district. The proposal is consistent with the relevant directions and objectives of the Eastern City District Plan as outlined below:

- The proposal will contribute to the revitalisation of the Harbour CBD Metropolitan Centre, providing high-quality short-stay accommodation and commercial office floor space, aligned with the Government's vision for the Eastern Harbour City, the Metropolitan Centre and Eastern Economic Corridor (Priority E1 *Planning for a city supported by infrastructure*). This will optimise the development potential of the site to achieve the Regional and District priorities. The continued investment within this corridor will promote market confidence and contribute to the international competitiveness of Sydney's visitor economy.
- The proposal respects the District's heritage as it has positively responded to the three adjoining heritage items through the use of materials, considered setbacks, form of the podium, articulation of the façade and vertical emphasis of openings (Priority E6 *Creating and renewing great places and local centres, and respecting the District's heritage*). The project has engaged and consulted with key stakeholders and the adjoining landholders to ensure the delivery of a tower with respect to surrounding environmental heritage.
- The proposal will contribute 513 jobs during construction and 1,163 jobs during operation. This will contribute to the overall job targets for the Eastern City district and will result in additional expenditure within the surrounding precinct (Priority E7 *Growing a stronger and more competitive Harbour CBD* and E10 *Delivering integrated land use and transport planning and a 30-minute city*). This aligns with the key priorities including strengthening international competitiveness and will complement the nature of the Harbour CBD Metropolitan Centre. The proposal seeks to deliver 6,166sqm of commercial office space, which will support increase in jobs forecasted within the largest commercial office precinct in the State.
- The development will support the growth of targeted industry sectors, specifically the visitor economy, through a \$34 million investment in the economy in the delivery of the hotel (Priority E13 *Supporting growth of targeted industry sectors*).
- Sustainability and construction management measures are proposed to ensure the sustainable use and management of resources during construction, through to operation of the proposed development (Priority E19 *Reducing carbon emissions and managing energy, water and waste efficiency* and E20 *Adapting to the impacts of urban and natural hazards and climate change*). This includes achievement of the following third-party sustainability targets:
 - 4.5 Star NABERS Energy Hotel design standard
 - 5 Star NABERS Energy Office Base Building design (Formal Commitment Agreement)
 - 4 Star NABERS Water Building rating for the Commercial component

4 Statutory Context

4.1 State significance

The CIV of the hotel component of the development is \$334,010,495. By virtue of Section 13 of Schedule 1 of the Planning Systems SEPP, the development is classified as State Significant Development as it comprises tourist and visitor accommodation with a CIV in excess of \$100 million. Further, in accordance with Section 2.6(2) of the Planning Systems SEPP, all parts of a single development application are also declared SSD for the purposes of the EP&A Act.

On 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.

4.2 Permissibility

The site is located within the SP5 – Metropolitan Centre zone under the Sydney LEP 2012. The application proposes the following land uses:

- Tourist and visitor accommodation
- Commercial office
- Food and drink premises

All proposed land uses, and ancillary land uses associated with the land uses are permissible in the zone with consent.

4.3 Mandatory Matters for Consideration

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

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

The City has considered all of these matters in its assessment of the application, as well as the Applicant's consideration of environmental planning instruments in its EIS for the application, as

summarised in **Section 6** of this report. The City has also considered the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix B**.

4.4 Biodiversity Development Assessment Report

In accordance with the *Biodiversity Conservation Act 2016*, an assessment of any SSD's biodiversity impacts must be undertaken as part of the provision of any SSDA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required. An application was lodged on in December 2022 requesting that the Department, in consultation with Environment, Energy & Science Group, waive the requirement to prepare a BDAR on the grounds of the development being unlikely to impact biodiversity values in accordance with Clause 1.5 of the Biodiversity Conservation Act 2016 and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*. A waiver was issued on by the Department of Planning on 20 January 2023 and the delegated Environment Agency head in the Environment and Heritage group on 18 January 2023.

5 Engagement

5.1 City's engagement

In accordance with Schedule 1 of the EP&A Act and Section 3 of the City's Community Participation Plan, the City publicly exhibited the SSDA for a minimum of 28 days. The application was exhibited for a total of 44 days from 6 March 2023 to 18 April 2023. The application was made publicly available on the City's and Department's websites.

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

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

5.2 Summary of advice received from Government agencies

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

A summary of the Government agencies who provided advice is in **Table 3**. A link to the full copy of the advice is provided in Appendix A.

Table 3 | Summary of Agency Advice

Government Agency	Position
Ausgrid	Standard advice was provided regarding excavation and underground cables.
Department of Planning – Water	Advice was provided regarding: <ul style="list-style-type: none">• The potential need to obtain a Water Access License under the <i>Water Management Act 2000</i> should more than 3ML of groundwater be intercepted for any aquifer interference activities listed in Clause 7 of Schedule 2 of the <i>Water Management (General) Regulation 2018</i>.• The review and management of potential higher groundwater flows during construction.
Heritage NSW – Aboriginal Cultural Heritage Branch (ACHB)	No objection was raised. Heritage NSW (ACHB) noted that the submitted documentation satisfactorily identifies and assesses the impact of the proposal on any Aboriginal cultural heritage values within the development area.
Heritage NSW	No objection was raised subject to conditions being imposed relating to the following:

- Compliance with the mitigation measures relating to historical archaeology proposed in the submitted mitigation measures report
- Requiring a qualified structural engineer to be engaged to monitor the construction works and ensure that potential impacts are avoided on surrounding heritage items
- Preparation of dilapidation reports for surrounding heritage buildings to record the condition of these buildings prior to commencement of work

Jemena Gas Networks

Jemena objected to the proposal citing a pre-existing gas main located in this area whereby Jemena possesses statutory rights to occupy the land to operate and maintain the gas pipelines.

In view of the close proximity and size of the works, as a minimum requirement Jemena requires a separation from edge of excavation to the gas main of 1m.

Further, shoring may be required to stabilise the zone of influence and to minimise risk to the pipeline. Duty of care exists to ensure there is no compromise to the integrity of the Jemena asset during this procedure due to the existing ground conditions that currently exist.

Civil Aviation Safety Authority (CASA)

CASA has determined that the building will not be a hazardous object under the regulation 139.370(1) of the *Civil Aviation Safety Regulations 1998* due to the presence of other obstacle) in the immediate vicinity of the proposed development.

Sydney Airport

No objection was raised subject to conditions relating to a maximum building height, notification of the finished building height to the Sydney Airport Manager, Airfield Spatial & Technical Planning and the installation and monitoring of obstacle lighting.

Sydney Metro

Additional information is required to be submitted for review prior to determination to determine the impacts of the proposed development on the Sydney Metro – West and Sydney Metro – City & Southwest rail corridors.

Information sought includes but is not limited to the following:

- Additional information on demolition and construction
 - Detailed 3D impact assessment of the proposal and other surrounding infrastructure with appropriate in-situ stresses, structural and geotechnical parameters
 - Geotechnical and structural design documentation
 - Detailed survey plans and cross-sectional drawings
 - Acoustic assessment report
 - Hydrologic assessment report
 - Electrolysis risk assessment
-

Sydney Water

No objection was raised and recommendations were provided relating to the investigation into potential reticulated recycled water servicing solutions that may offset potable water demands for irrigation, toilet flushing and domestic washing machines, as well as air cooling towers.

Sydney Water also noted separate approval will need to be obtained for the development for water servicing under Section 73 of the *Sydney Water Act 1994*.

5.3 Summary of public submissions

During the exhibition period, the Department received a total of three submissions on the proposal from the public, all of which were unique submissions. Of the submissions received, all were objected to the proposal raising various areas of concern.

All submissions were made by on or behalf of owners or tenants within buildings located in the immediate vicinity of the subject site. A summary of the submissions are provided below. A link to the full copy of the submissions is provided in **Appendix A**.

5.4 Key issues raised in submissions

Public submissions raised a number of concerns that may relate directly to the amenity of occupants or heritage significance of buildings directly adjacent to the subject site. A summary of key issues raised in public submissions is provided in below. A detailed response to public submissions is provided in **Appendix C**.

- Impact on operation of existing businesses
- Podium height inconsistent with DCP recommendation
- Daylight access impact to 1 Chifley Square lightwell
- Heritage impacts
- Request for dilapidation report on surrounding heritage items
- Noise impacts from proposed plant
- Ongoing construction impacts on surrounding businesses
- Building height inconsistent with Sydney LEP 2012 maximum
- Impact on outlook from side windows in adjacent buildings

5.5 Key issues raised by City staff

The application was also referred to internal specialist units who reviewed and commented on the proposal. The following comments and recommendations were made to be addressed as part of any RtS:

Architectural Quality and Urban Design

- Provide additional section drawings depicting floor to floor measurements and RL annotations of the depth of the basement and top of building.
- Provide a detailed elevation of the Bligh Street ground floor frontage and further details of the proposed awnings.

Materials and Finishes

- Provide additional details of the proposed materials and finishes, glass selection specification.
- Provide details on how the proposed design decreases embodied carbon relative to a reference building.

Wind Impacts

- Further information is required to demonstrate that the downwash caused by the built form will not have unacceptable amenity impacts on the users of the pool or terrace are on Level 12 or pedestrians at the ground level.

Environmental Performance

- Recommend the commercial office component target a NABERS rating of 5.5 stars, the electrification of the site be introduced rather than the use of condensing gas fired boilers for hot water, the utilisation of at least 20% of the roof area for solar photovoltaic panels.
- Confirmation that the development is to be designed in line with NCC 2022 requirements relating to Section J compliance.

Transport and Access

- Provide a vertical swept path analysis for SRV vehicle movements.
- Provide further details regarding the operation of the Porte Cochere and traffic impacts on taxi drop-off/pick-up, valet and loading/delivery/service vehicle operations.
- Prepare a draft loading a service management plan for review.

Public Domain Levels and Gradients

- Submit public domain levels and gradient details.

Street Trees

- The design of the awning and any construction methodology is to be reconsidered to retain all existing and healthy street trees.

Site Landscaping

- Provide additional details regarding green walls, their structure and how they will be suspended.

- Consider planting schedules in low light or varied light conditions.
- Provide a further fire safety analysis in relation to the climbing structures and green wall.
- Reconsider the design approach to the green wall on the Bligh Street elevation and remove any plantings above awnings that are outside the site boundary.
- Submit landscape plans that provide additional details regarding the number of trees, canopy cover, species selection and planter design details.
- Prepare a landscape maintenance plan outlining how landscaped areas will be accessed and any associated safety equipment required.

Waste Management

- Update architectural plans to clarify compliant waste storage areas and access points for different land uses.
- Update the waste management plan to be consistent with City standards.

Food Fitout and Premises Management

- Provide details on architectural drawings for any food preparation areas, including mechanical ventilation, consistent with relevant Australian Standards.
- Update the Plan of Management to address the requirements of the Sydney DCP 2012.

Public Art

- Amend the preliminary public art plan to include a note requiring all public artworks to be wholly located within the site boundary.

5.6 Response to submissions

Following the public exhibition period, the City asked the Applicant to respond to the issues raised in government agency advice, public submissions and issues raised by City staff. The Applicant provided an RtS report on 8 August 2023 addressing submissions from government agencies (with the exception of Sydney Metro), the public and matters raised by the City under **Section 5.5**.

The report and its attachments were placed on the City's and Department's websites. Community members who lodged a submission and selected Government agencies were notified of the RtS submission and invited to review the documents and provide comment. One submission was received by a previous submitter, amending their previous objection. The revised objection withdrew their concerns relating to podium height, a dilapidation report and overall building height but maintained concern relating to daylight access to the lightwell at 1 Chifley Square, heritage impacts and noise impacts from proposed plant.

The Applicant also provided a response to the City's request for amendments and additional information. The response is summarised in **Table 4** below.

Table 4 | Applicant's Response to City's Request for Amended Plans

Issue	Applicant's Response
Architectural Quality and Urban Design	Revised architectural drawings were prepared nominating RL levels and further detailed plans on the Bligh Street ground floor elevation.
Materials and Finishes	<p>Details on proposed materials, finishes and glazing specification were provided.</p> <p>Ongoing analysis of facade glazing materials will be completed as part of the Green Star certification process which emphasises the use of environmentally and socially responsible building materials. This will include an embodied carbon analysis and consideration of reductions as part of the detailed design phase, guiding the selection of materials and finishes to minimise environmental impact.</p>
Wind Impacts	<p>A further analysis of the wind impacts and mitigation measures was undertaken.</p> <p>Modelling of wind impacts on the public domain with the proposed break in the ground floor awning confirms impacts are at low levels suited to standing or seated activities.</p> <p>Similarly, analysis confirms the Level 12 awning at the pool and outdoor terrace will provide sufficient protection to users of this space from downwash winds.</p>
Environmental Performance	<p>The applicant's intention to seeks to target a 5-star NABERS commitment for the commercial component is based upon a risk analysis of all factors including future variability of occupant behaviours. Given the development will accommodate a shared plant for hotel and commercial uses, it is noted that the high level of variability of the hotel component may have implications on the energy use of the office and resulting NABERS rating.</p> <p>Further, a revised NCC Section J Report has been prepared confirming the development will meet the thermal comfort criteria under NCC 2022 Section J.</p> <p>In response to the recommendation to reconsider the use of gas in the development, a key priority of the development is to achieve a 5 Star Green Star Buildings rating. The Green Star Buildings certification process provides the flexibility to explore different avenues while ensuring we meet high environmental and sustainability standards.</p> <p>Additionally, the application proposes six solar PV panels on the podium rooftop at level 12. Additional solar PV panels on the tower roof at level are not proposed due to:</p>

- The additional height from solar PV panels and safety balustrades cannot be accommodated on the roof level within the permitted maximum height plane of the site. The site is unable to vary the maximum building height limit under clause 4.6 of the Sydney LEP 2012 as per site specific development standards in clause 6.44(13) of the Sydney LEP 2012 and as such the provision of additional infrastructure above the height limit is not proposed.
- The expected energy production of solar PV panels on the roof is likely to be less than 1% of the overall annual building energy consumption. Therefore, while unable to incorporate Solar PV at the recommended levels, the energy efficiency measures and other sustainable initiatives should offer more significant energy and environmental benefits.
- The proposed roof level is at RL225.88. The addition of solar PV panels at this height and requirement for ongoing maintenance may present safety risks during future maintenance of the panels.

Transport and Access	<p>A vertical swept path analysis has been prepared and submitted in addition to further analysis documents relating to the use and operation of the Porte Cochere for different vehicle types.</p> <p>In addition, a Loading and Servicing Management Plan has been prepared addressing the operation of the Porte Cochere, booking systems, valet operations and entry and exit of SRV vehicles.</p>
Public Domain Levels and Gradients	<p>Public domain levels, falls and gradients have been designed in accordance with the City of Sydney Public Domain Manual, and to satisfy DDA requirements. Kerbs and gutters are to be retained or reconstructed at existing levels. Refer to Detail Arrangement Public Domain Plan & Elevation within the Revised Architectural Plans.</p>
Street Trees	<p>The application no longer seeks consent for removal of street trees. All street trees can be retained on site with pruning as discussed in the Revised Arborist Report.</p>
Site Landscaping	<p>Revised landscape plans and a Landscape Maintenance Strategy has been prepared that adequately responds to issues raised by Council.</p>
Waste Management	<p>Amended architectural drawings have been prepared that revise waste storage areas to be consistent with Council requirements. Further, an Amended Operational Waste Management Plan has been prepared for further consideration.</p>
Food Fitout and Management	<p>This SSDA does not seek consent for detailed fit-out of food and beverage tenancies. This will form part of a separate approval.</p>

An amended Plan of Management has been prepared in accordance with Council requirements.

Public Art

A revised Preliminary Public Art Plan has been prepared for further consideration.

6 Assessment

6.1 Key issues

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

- Design excellence
- Heritage
- Street trees and the public domain

Each of these key issues are discussed in the following sections of the report. The City's consideration of other issues relating to this application are addressed in **Section 6.6**.

6.2 Design excellence

The applicant has undertaken a competitive design process with the winning architects being Woods Bagot. The application is consistent with the winning scheme and has addressed the recommendations of the competitive design review panel.



Figure 41 | A photomontage of the proposed development presented at the competition (Source: Woods Bagot)

The Jury identified a number of elements as contributing to the success of the scheme, and several matters which were to be further considered and refined as part of the subsequent design development. Considerations are as follows:

- The detailing and coating of the copper or copper/bronze coloured facade panels is critically important to the success of the building's facade. Cladding is required to be durable with longevity. A painted finish panel is not acceptable
- The Jury recommends marginal adjustment for increased room widths on a typical hotel floor. This could be accommodated by a marginally reduced dimension of the void. Increased room widths and decreased depths on the eastern face to keep within the planning envelope are to be resolved.
- The cantilevered balcony breaks the approved building envelope. The Jury do not consider this a critical element and supports its deletion.
- Minor inconsistencies between the architectural drawings and the structural drawings with regard to solid and open wall positions will require resolution through design development.
- Double sided lift access may not be necessary on the ground floor.
- Landscaping on the podium and awning should be selected based on an appropriate size and ability to withstand a windy environment. Awning landscaping will need agreement of the public landowner.
- The Jury notes the importance of the blades with respect to environmental performance whilst noting that these must maintain compliance with the building envelope.
- The eastern elevation must remain strong and proud in its expression while acknowledging solar gain.
- The arrival and port-cochere element was a positive outcome and is to be maintained whilst minimising the footprint of the ramp(s) (should one ramp be required).
- Traffic advice must be sought from qualified consultants and City of Sydney Council to determine whether a dual crossover is possible. If this is not suitable necessary adjustments should be made to make the necessary changes to accommodate a single vehicle entry point whilst maintaining the positive arrival and public domain outcomes.
- The above resolution incorporating any reduction in GFA to reflect the maximum permitted.

Further resolution and design development of the proposed scheme has been undertaken following the competition. During the design integrity process, the applicant met with the Design Integrity Panel (DIP) (the former Competition Jury) on 16 August 2019 to present the evolution of the proposed design and the response to key items of design refinement as request by the Competition Jury. A discussion of the areas of design refinement and the applicant's response to these matters is provided in **Table 5** below.

Table 5 | Competition panel recommendations and responses

Issue	Applicant Response	Recommendations
<p>Additional solar analysis of the northern facade is required</p>	<p>Woods Bagot have undertaken a Solar Analysis of the scheme, with a specific focus on the south-eastern and north-eastern facades. The analysis interrogated four levels during summer and winter to provide averaged data across the whole tower; from level 14 at the base, level 20, 34 and 46. In addition to this, the analysis was mapped against the NCC occupancy rates for a hotel to provide a robust assessment of the proposal at operation.</p> <p>In summer, the guest rooms situated along the south-eastern facade receive morning light in the summer from 6am till about 10am, an enjoyable experience for guests. Solar gains during lunchtime and the early afternoon is minimal, with afternoon sun hitting the lift core and as such minimising impacts on guests. Rooms along the south-western facade would receive sun in the late afternoon and evening, correlating with Sydney sunset and a dramatic visual experience.</p> <p>Increased solar gains are welcomed during winter to assist in heating load reduction. Part of the north-east facade would receive direct solar gains at midday, whilst the remaining facades are typically shaded by neighbouring properties due to the reduced sun path.</p> <p>Mitigation of heat load will be achieved through operational measures, including installation of automatic blinds and closure when rooms are unoccupied during summer and opening when rooms are unoccupied during winter. In addition to this, the use of high-performance glazing and a low solar heat gain co-efficient of 0.25 to mitigate solar impact.</p>	<p>The investigation into solar heat gain and the proposed glazing solution and operation mitigation measures are considered acceptable.</p> <p>Environmental performance targets will ensure the glazing selection and operational measures satisfactorily address heat gain and control within the building.</p> <p>Suitable conditions of consent are recommended requiring the development to achieve stated performance targets.</p>

<p>The DIP requested the opportunity to inspect the façade prototypes following the lodgement of the SSDA</p>	<p>The facade materiality comprising of copper, textured and dark bronze coloured stainless steel, ribbed dark bronze anodised aluminium, oxidised copper and sandstone was selected following a rigorous selection and testing process. A physical Materials Board has been prepared by Woods Bagot and submitted with the SSDA.</p>	<p>A physical materials board was submitted with the application. Generally, the choice of materials is supported and a condition of consent is recommended that a final detailed materials and samples board is to be submitted, keyed to significant elements of the development. It is recommended that the sample board be developed in consultation with the DIP.</p>
<p>Further detail is to be provided of the public art nominated location</p>	<p>A Public Art Strategy has been prepared. Nominated locations for public art include the ground floor tower entry, with the opportunity to carry the art through the foyer.</p>	<p>A revised Preliminary Public Art Plan was submitted after receiving comments from the City's Public Art team. Conditions of consent are recommended requiring compliance with the Public Art Plan and the further development of public art in consultation with the City.</p>
<p>The use of excavated materials in the interior is encouraged</p>	<p>There is an aspiration to utilise the excavated sandstone from the basements within the ground floor fabric to materially link this contemporary building to the site history, and surrounding items of State and local heritage significance. It is noted the use of this material is dependent upon the quality and level of oxidation of the sandstone once excavated, to be undertaken following the determination of the early works approval (D/2018/892)</p>	<p>This approach is supported. Suitable conditions of consent are recommended to encourage the use of excavated materials within the development.</p>

On 17 October 2019, the DIP confirmed:

“The DIP endorses the design as presented and does not see need for further review of the design prior to lodgement. Should significant design changes occur prior to lodgement or during the assessment of the SSD DA the design would need to be referred to the DIP for further review and endorsement.”

Following the endorsement of the scheme in October 2019, a number of minor changes were made to the proposed development. This included the addition of an awning at level 12, and an additional two levels of basement (from three basement levels to five basement levels).

As such, the applicant re-engaged with the DIP Chair on 11 November 2022 to provide an update on the project and discuss the two amendments to the endorsed scheme. Following a review of the proposed Architectural Plans (as revised) by the DIP Chair on 18 November 2022, the DIP Chair confirmed:

“As Chair of the DIP, I have reviewed the drawings provided and consider that the proposed changes do not impact negatively on the design integrity of the competition winning scheme, and in the case of the level 12 canopy, will act to improve amenity. The canopy at this level has been detailed to be consistent with the formal language of the tower and is supported.

The consent authority should review traffic impacts of any proposed increase in parking.

In light of the above, it is not considered necessary to re-engage with the DIP for these modifications.”

Overall, the evolution of the proposed design is in keeping with the competition winning scheme and has satisfactorily addressed the original jury recommendations and DIP comments prior to lodgement. The proposed development is considered to satisfy the provisions of Clause 6.21C of the Sydney LEP 2012 and therefore achieves design excellence.

6.3 Heritage

While the site is not listed as a local or State heritage item, nor is the site located within a heritage conservation area of local or State significance, several buildings of local and State significance directly adjoin the site and consideration of the potential impact on the significance of the proposed development on these buildings has been undertaken.

The City considers the key heritage issues are regarding the street wall height and design and setbacks of the tower form. These are considered separately below.

Street wall height

While the City notes DCPs are not applicable to State significant development, Section 6.3.14 of the Sydney DCP 2012 provide site-specific provisions for the subject site. Section 6.3.14.2 notes that the new development adjacent to a heritage item should respect and reinforce the historic scale, form, modulation, articulation, proportions, street alignment, materials and finishes that contribute the historic significance of the adjacent heritage items. Further, the DCP requires consideration of the impact of the new development on the significance, setting, landmark values and ability to view and appreciated the heritage items from public places.

The proposed street wall height matches that of the City Mutual building adjoining the site to the south and presents an appropriate transition in street wall heights between the City Mutual building and the Sofitel Wentworth. The street wall and podium design fronting Bligh Street is not seen to be a visually dominant façade and references the vertical proportions of windows in the facades of adjoining items. See **Figure 42** below for a reference image comparing street wall heights of adjacent heritage items along Bligh Street.



Figure 42 | A photomontage of the proposed podium facade (Source: Woods Bagot)

The proposal considers the adjacent heritage items which are all individually robust and prominent buildings commanding a presence in the streetscape. The construction of the proposal will not majorly change the existing setting or the appreciation of these heritage items. The adjoining heritage items, including the City Mutual building, the Qantas House and Sofitel Wentworth, are all individually robust and prominent buildings which command a presence in the streetscape.

The construction of a new building on the subject site will not markedly change the existing setting of these heritage items or the ability to view and appreciate the heritage items or their individual significance. The proposal will have no impact on the broader vicinity heritage items which all sit within an ever-changing urban context. The proposal will not detract from the ability to continue to read and interpret the vicinity heritage items.

Setbacks

As noted above, the Sydney DCP 2012 provides site specific controls applicable to the site. Part of the controls include recommended setbacks from boundaries that will shape a tower form as provided in **Figure 43** below.

Figure 6.154
Setbacks above
the Street Frontage
Height

- ▭ Property boundary
- ▭ Building envelope

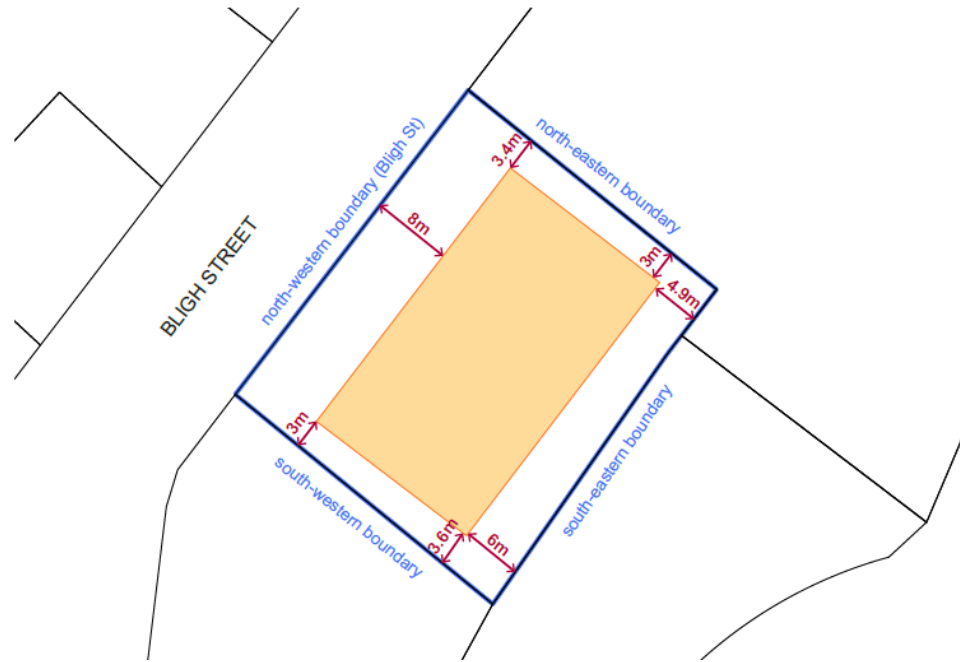


Figure 43 | Recommended setbacks above street frontage height (Source: City of Sydney)

Whilst the proposed built form of the podium and tower have a minor departure from the Sydney DCP 2012, the City is satisfied that appropriate setbacks are provided to surrounding buildings and their lightwells and appropriate daylight access can still be achieved. **Figures 44 to 48** show the separation of the existing; Planning Proposal reference and proposed building setbacks at the ground floor and at the podium to surrounding buildings.

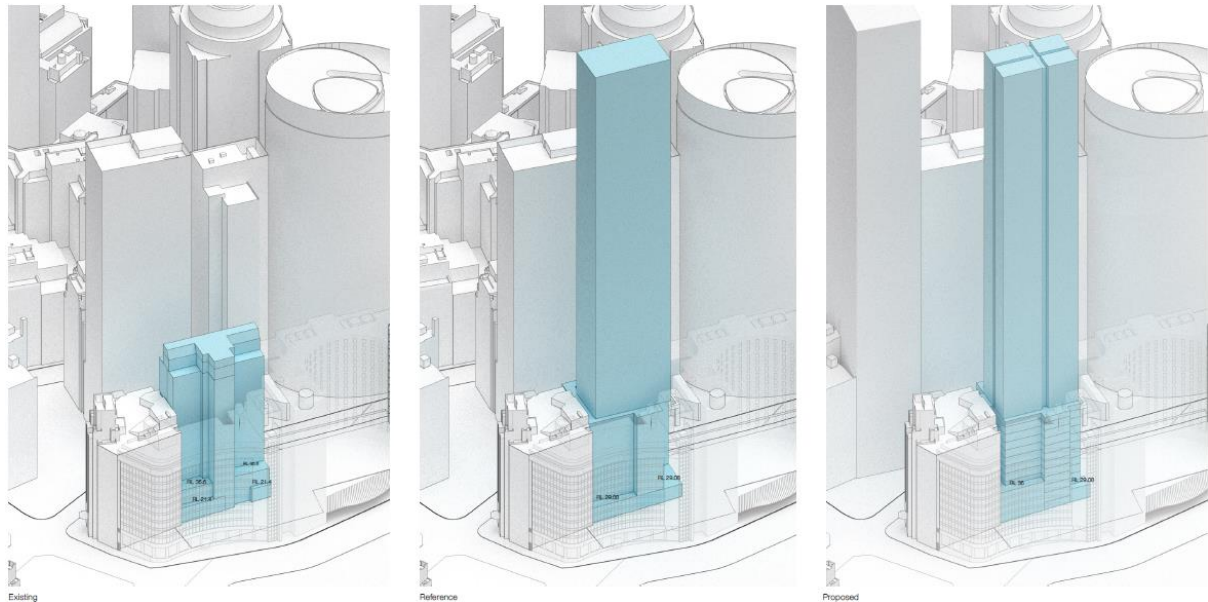


Figure 44 | Axonometric drawing showing proposed massing to the rear (Source: Woods Bagot)



Figure 45 | Proposed building massing – ground floor (Source: Woods Bagot)

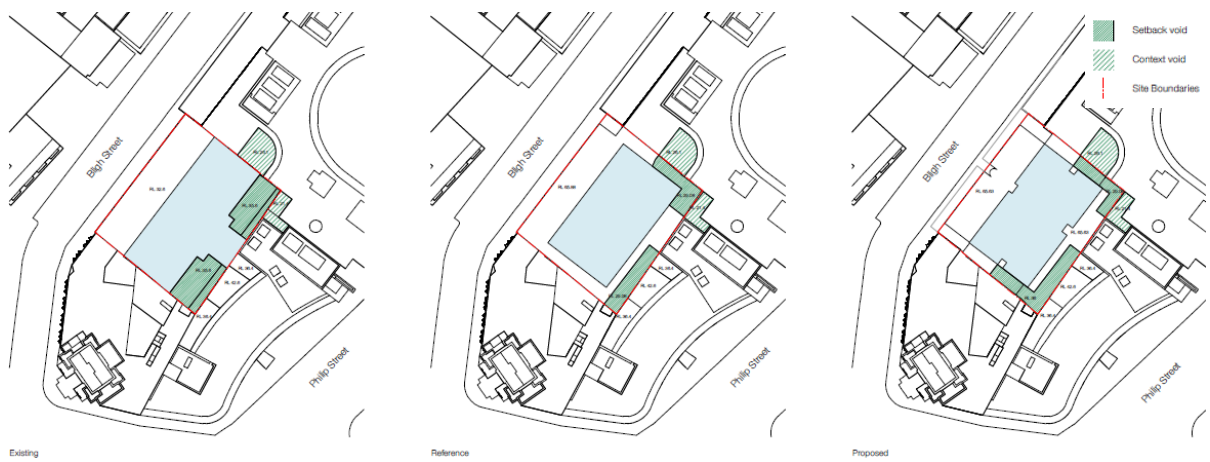


Figure 46 | Proposed building massing – top of podium (Source: Woods Bagot)

Massing to the Rear: North East Corner

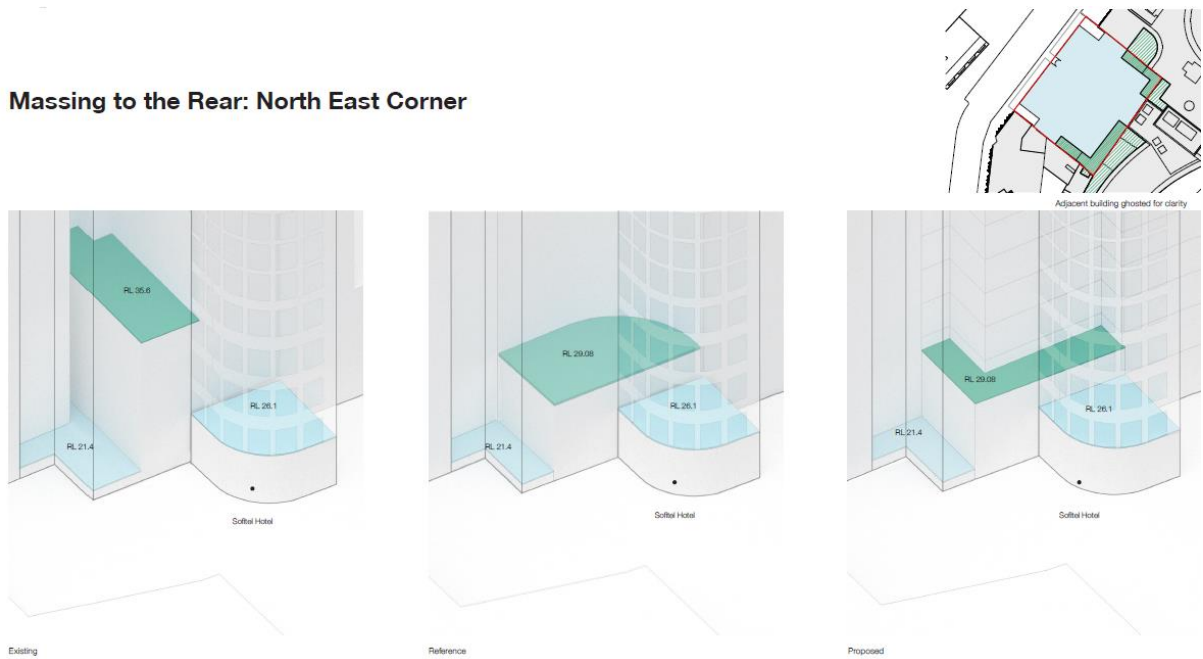


Figure 47 | Proposed massing to the rear – north-east corner (Source: Woods Bagot)

Massing to the Rear: Southern Corner

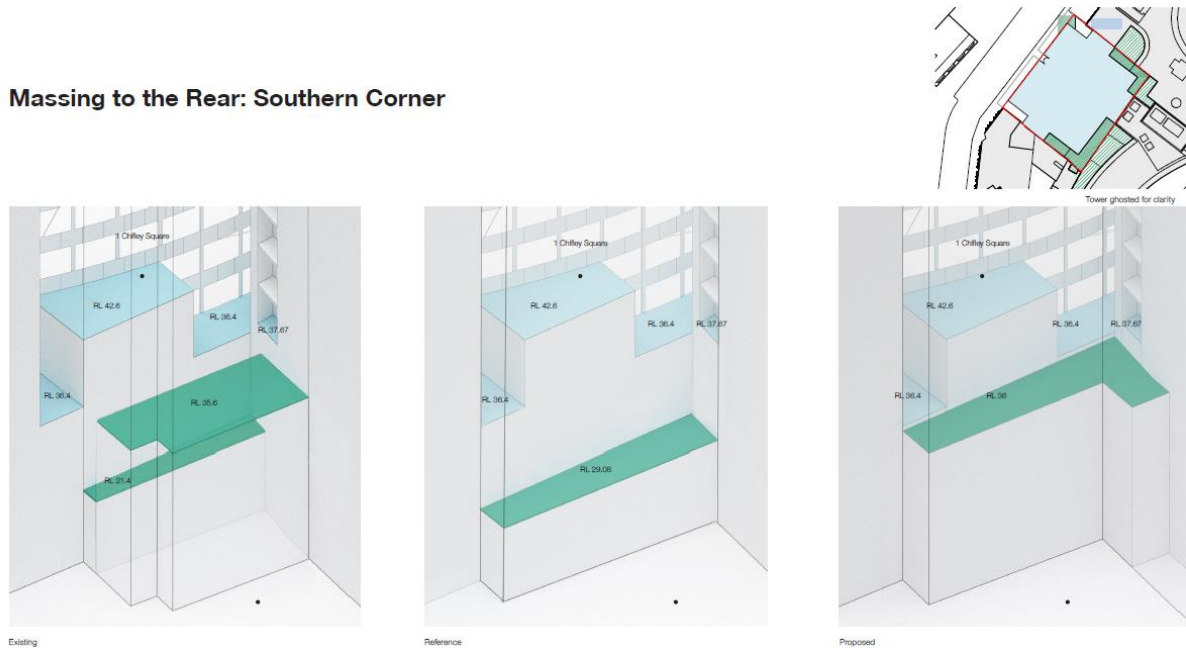


Figure 48 | Proposed massing to the rear – southern corner (Source: Woods Bagot)

The application was also accompanied by a Daylight Factor Analysis that confirms the proposed development will improve daylight access to the lightwell serving 1 Chifley Square. Whilst the proposed vertical garden is proposed within the setback area to the rear, it is not anticipated that this structure will result in any further adverse impacts on daylight access or heritage significance and the design approach is considered acceptable.

In further consideration of the heritage impacts of the proposed development, the City's Heritage Specialist reviewed the application in addition to Heritage NSW and Heritage NSW (ACHB). No objections were raised regarding the proposal, subject to conditions including the preparation of dilapidation reports of surrounding buildings and the engaging a qualified structural engineer to monitor the construction works and ensure that potential impacts are avoided on surrounding heritage fabric.

Overall, the proposed development responds suitably to surrounding heritage buildings through a considered response in terms of setbacks, podium form, façade articulation and vertical emphasis of openings. The EIS notes specifically, this is achieved through:

- The proposed materiality responds to the immediate character through use of contemporary materials and finishes. This includes:
 - Use of copper coloured stainless steel to complement the natural sandstone and face brick tones of the adjoining heritage items (City Mutual and Sofitel Wentworth).
 - Use of bronze, oxidised copper and sandstone cladding to complement broader heritage items.
 - Use of sandstone cladding at the ground floor to reinforce the typical masonry base which characterises commercial buildings throughout the Sydney inner city area and additionally responds to the State-listed former 'Club NSW' building directly opposite.

- The detailed proportions of the façade openings to Bligh Street which have been designed to emphasise the vertical.
- Definition of the podium form into two vertical forms to respond to the character of the adjoining City Mutual building to the south and the Sofitel Wentworth to the north.

Subject to conditions, the City is satisfied that the development will not have an adverse impact on the significance of any surrounding heritage items.

6.4 Street trees and the public domain

The proposal seeks consent for an awning structure running the length of the Bligh Street frontage, with a small gap in the structure approximately half way along. Currently the site does not accommodate a street awning and three healthy street trees are planted in the public domain. A main objective of the City’s Urban Forest Strategy, a strategy derived from *Sustainable Sydney 2030-2050 Continuing The Vision*, is to maintain and increase tree canopy to provide improved amenity in public places and reduce the urban heat island effect. A main objective of Council, therefore, is to prioritise the retention of healthy street trees during and after construction projects. In the case of the subject application, the existing street trees are likely to be impacted by way of excessive pruning to facilitate the construction, and potential stunted growth and lopsided crowns due to the dimensions of the proposed awning.

The City’s Tree Management team commented on the original proposal in which all three street trees were proposed for removal, not supporting this outcome and recommending alternatives be explored that retained all trees. The submitted RtS then amended the proposal and retained the existing trees with proposed pruning to facilitate the construction. The approach is still not accepted by the City and does not meet the objectives of the City’s greening policy and strategy. Conditions of consent are recommended to amend the design of the awning to provide the existing street trees the best opportunity to grow to mature heights and the amend the pruning specification to reduce the extent of pruning during construction.

6.5 Other issues

The City’s consideration of other issues is provided at **Table 5**.

Table 6 | Summary of other issues raised

Issue	Findings	Recommendations
Traffic, access and servicing	<ul style="list-style-type: none"> • The development proposes two car ramps (in and out ramps) and uses a porte-cochere located in the lower ground floor. • The porte-cochere and loading dock area is proposed to be used by several transport modes including private vehicles, taxi and car share operators and servicing vehicles. 	<p>The City recommends the following conditions:</p> <ul style="list-style-type: none"> • The provision of an intercom system for visitors • Appropriate signs at egress points compelling drivers to

- The proposal will be heavily dependent on detailed management plans for conducting loading, servicing, waste collection and passenger/vehicle drop off/pick up.
 - Whilst allowing for servicing and passenger/vehicle drop off/pick up on site, the proposal does not include any spaces for coach parking.
 - The development will result in kerbside parking changes including loading zones and bus parking.
- “Give Way to Pedestrians” before crossing the footway
- Include a signal system (e.g. lights and/or mirrors) to assist with traffic movement on-site
 - Restricting the service vehicle size limit
 - Requiring a submission to be made to the Local Pedestrian, Cycling and Traffic Calming Committee for any changes to kerb side parking restrictions
 - The construction of the mechanical car lift in accordance with the manufacturer’s specifications and AS/NZS 2890.1 2004
 - Requiring all parking to be designed in accordance with AS/NZS 2890.2 and AS/NZS 2890.6
 - Requiring the preparation of a guest pick up/drop off and coach management plan
 - Requiring the preparation of a Transport Access Guide for visitors and guests
 - Requiring the preparation of a loading service and valet management plan

Bicycle storage and end of journey facilities

- The proposal provides storage areas for 112 bicycles on basement level 2 adjacent to end of journey facilities, basement level 1 and on the ground plane.
- The City supports the provision of this number of bicycle parking spaces and end of journey facilities in their proposed locations and encourages the use of a Transport Access Guide to support bicycle users accessing the site.

The City recommends the following conditions:

- Requiring all bicycle storage facilities to be designed in accordance with AS 2890.3
- Requiring the preparation of a bicycle parking signage and wayfinding plan

- Requiring the preparation of a Transport Access Guide for visitors and guests

Hours of Operation

- The application seeks approval for the following hours of operation:
 - Hotel reception, concierge, pool and gym facilities, function centre and lobby lounge: 24 hours
 - All day dining restaurant: 6am to midnight
 - Lounge lobby bar/café: 7am to 1am the following day
 - Rooftop bar: 7am to 2am the following day
- The applicant notes the following patron capacities for food and drink premises:
 - Lobby bar/café – ground floor: 70
 - All day dining restaurant – level 57: 140
 - Function space – level 1: 350
 - Rooftop bar – level 58: 70
- The applicant also notes a maximum of 80 people are anticipated for the level 12 pool terrace and the acoustic report recommends hours between 7am to 10pm and terrace doors to be closed after this time.
- While the City notes DCPs are not applicable to State significant development, under the Sydney DCP 2012, the building is located within a late-night management area and classified as a Category A premises. If applied, the Sydney DCP 2012 would therefore require a one-year trial period and the following hours of operation for all function and food and drink premises:
 - Base: 6am to midnight
 - Lounge lobby: extended hours until 1am
 - Rooftop bar: extended hours until 2am
 - Function centre: extended hours until 2am
- The City has reviewed the proposal and whilst no concerns are raised regarding acoustic impacts of the operational aspect of the proposal, it is recommended restricted hours of operation for the function centre and trial

The City recommends the following conditions:

- Restricting hours of operation for different operational aspects of the proposal
- Restricting patron capacities in publicly accessible areas of the hotel
- Requiring the preparation of a plan of management
- Requiring compliance with various conditions regarding premises and patron management and security

hours for publicly accessible areas of the hotel after midnight are imposed.

- Overall, the City concludes the proposal will not have an unacceptable impact on surrounding amenity due to the operation of the function space or food and drink premises, subject to conditions.

Construction impacts

- The applicant envisages construction will take approximately 55 months and will be undertaken during standard Council CBD hours of noise and construction.
- The submitted Construction Noise and Vibration Management Plan proposes construction hours between 7am and 6pm Monday to Friday and 8am to 1pm on Saturday.
- The City considers construction noise impacts would be acceptable, subject to conditions
- The City considered construction traffic will have an acceptable impact on traffic movements in the locality
- The City recommends standard conditions to ensure all other construction impacts, such as waste, air and water quality are effectively managed.
- The City concludes construction impacts would not be adverse, subject to recommended conditions.

The City recommends the following conditions:

- Preparation of a CEMP prior to the commencement of works
- Preparation of a Construction Traffic Management Plan
- Preparation of a final Construction Noise and Vibration Management Plan
- Preparation of a Construction Waste Management plan
- Compliance with standard hours of work and noise

7 Evaluation

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

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

- The proposal 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.
- 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.
- The development complies with the maximum height, floor space and car parking controls contained under the Sydney LEP 2012.
- The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 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 achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for employees to the site and is suitably located close to good public transport.
- The proposed construction methodology and completed design responds appropriately to the surrounding heritage context and does not adversely affect adjoining heritage items.
- A deferred commencement condition is recommended requiring the execution and registration of a deed of agreement relating to the existing planning agreement applicable to the subject development.
- The development is anticipated to create 513 construction and 1,163 ongoing operational jobs.
- The development has provided sufficient information to address the SEARs.
- All other issues have been appropriately addressed by recommended conditions of consent.

The City's assessment therefore concludes that the proposed development is in the public interest and recommends that the application be approved, subject to recommended conditions.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant deferred commencement consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **delegation determination to the City's CEO** for the application, subject to the conditions in the attached recommended conditions of consent and pending any recommended conditions from Sydney Metro and the exhibition of the Deed of Variation
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Prepared by:
Marie Burge
Senior Planner
Planning Assessments

Recommended by:



Graham Jahn AM LFRAIA

Director

City Planning, Development & Transport

Appendices

Appendix A – List of reference documents

The following supporting documents and supporting information to this assessment report can be found on the City's website as follows:

Environmental Impact Statement

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.track/SearchApplication.aspx?id=1921107>

Submissions on Environmental Impact Statement

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.track/SearchApplication.aspx?id=1921107>

Applicant's Response to Submissions

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.track/SearchApplication.aspx?id=1921107>

Submissions on Response to Submissions

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.track/SearchApplication.aspx?id=1921107>

Appendix B – Statutory Considerations

Environmental Planning and Assessment Act 1979

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

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

The City has considered all of these matters in its assessment of the project and has provided a summary of this assessment in **Tables B1** and **B2**.

Table B1 | Consideration of the objects of the EP&A Act

Objects of the EP&A Act	Summary
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resource	The development will more efficiently use the land (part of the State's resources) in a way that creates no material adverse impacts for neighbours or the wider community. The more efficient use of the land will create an opportunity to provide high-quality commercial floor space within Central Sydney, which will contribute to achieving TfNSW and Council's strategic priorities for the Central Sydney to increase employment generation in order to strengthen the

	diversity, capacity and resilience of the Metropolitan Centre.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<p>The proposal has sustainability as a key driver with the site intending to establish a new benchmark for environmental performance for commercial buildings.</p> <p>This will be achieved through the development of a sustainability framework to ensure the effective implementation of sustainability initiatives and management of natural resources, as well as certification using internationally recognised third party certification sustainability rating tools.</p>
(c) to promote the orderly and economic use and development of land	The proposal promotes the orderly and economic use of the land and is permitted with consent within the SP5 Metropolitan Centre zone. It promotes use of the land for mixed use purposes, within a highly accessible Central Sydney location. The proposed design is well coordinated to best deliver its intended uses and addresses the state and local planning controls.
(d) to promote the delivery and maintenance of affordable housing	The proposal will not be delivering housing as it has a commercial and retail focus.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Demolition has been approved under a separate development consent (D/2018/892). This proposal does not intend to compromise the conservation of threatened and other species native animals and plants, ecological communities and their habitats. There are no known species that are threatened at the site due to the dense urban environment that the site is located and a BDAR waiver has been issued for this development.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<p>The proposal takes into consideration the sustainable management of surrounding built and cultural heritage with adjoining heritage items adjoining three boundaries of the site along the side and rear. The proposal has considered a response in terms of setbacks, podium form, articulation of the facade, vertical emphasis of openings and contemporary use of traditional materials to respond to the strong masonry character of the locality.</p> <p>Further Archaeological and Aboriginal heritage assessments were undertaken, and the results concluded that no known impacts are expected as a result of the proposal</p>
(g) to promote good design and amenity of the built environment	The proposal is the result of an Architectural Design Competition for the site in accordance with 6.21 of the Sydney LEP 2012, the draft Government Architect's Design Excellence

	<p>Guidelines and the (then) <i>City of Sydney Competitive Design Policy 2013</i>. The competition resolved that Woods Bagot scheme best demonstrated the ability to achieve design excellence and along the design evolution post the competition the jury support that the final scheme promotes good design and amenity of the built environment.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposed development would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The proposal is SSD and has been delegated to the City of Sydney for assessment and determination by the Central Sydney Planning Committee. The City has consulted with relevant Government agencies.
(j) to provide increased opportunity for community participation in environmental planning and assessment	The proponent has undertaken stakeholder and community engagement including surrounding landowners and occupiers. This was undertaken throughout the pre-lodgement process and detailed design phase and will continue through the assessment process with public exhibition. The application has also been publicly exhibited in accordance with the City's Community Participation Plan in which the public was given an opportunity to review the application and provide a submission. The Applicant as also prepared a response to public submissions and advice received by Government agencies. Section 5 details the City's engagement.

Table B2 | Consideration of section 4.15(1) of the EP&A Act

Objects of the EP&A Act	Summary
(a)(i) any environmental planning instrument	<p>This application has been assessed in accordance with the relevant State and local planning instruments as outlined within this table. The assessment demonstrates the proposal is in accordance with the objectives and provisions of the relevant policies.</p> <p>Further consideration of relevant EPIs is provided below.</p>
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	The assessment demonstrates the proposal is in accordance with the objectives of the provisions of the draft policies as provided below.

(a)(iii) any development control plan	Section 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. Where relevant however, this report considers of the Sydney DCP 2012 when used to guide aspects of the development including transport and access, hours of operation and various built form considerations.
(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	The site and proposed development is subject to a planning agreement registered on title. The proposal seeks amendments to the planning agreement, primarily relating to the payment of monetary contributions. The proposed deed of variation to the existing planning agreement is currently on public exhibition and it is recommended that a deferred commencement condition be adopted requiring the execution and registration of the deed prior to the commencement of the consent.
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	The application satisfactorily meets the relevant requirements of the Regulation, particularly Division 5 which outlines requirements for SSD.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The City has assessed the likely impacts of the development and considers they are acceptable and/or have been appropriately managed by recommended conditions.
(c) the suitability of the site for the development	The site is suitable for the proposed development as discussed in Sections 4 and 6 .
(d) any submissions made in accordance with this Act or the regulations	Consideration has been given to all submissions received. See Sections 5 and 6 and Appendix C .
(e) the public interest	Refer to Section 6 .

Biodiversity Conservation Act 2016

A consideration of the relevant matters in the Biodiversity Conservation Act 2016 is provided in **Table B3** below.

Table B3 | Consideration of the Biodiversity Conservation Act 2016

Matter	Consideration
7.14 State significant development or infrastructure	<p>A BDAR Waiver Request was submitted to the DPE in December 2022, outlining an assessment of the proposed works against the eight biodiversity values as defined in Section 1.5 of the Biodiversity Conservation Act 2016 and clause 1.4 and clause 6.1 of the Biodiversity Conservation Regulation 2017.</p> <p>A BDAR Waiver was issued by the Department of Planning on 20 January 2023 and the delegated Environment Agency Head in the Environment and Heritage Group on 18 January 2023.</p>

State Environmental Planning Policy (Planning Systems) 2021

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

The proposed CIV of the development is \$334,010,495 of which the tourist related component (the hotel) has a CIV of \$208,059,004.

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

The relevant provisions of the SEPP have been considered in the assessment of this application, as provided in **Table B4** below.

Table B4 | Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021

Matter	Consideration
Subdivision 2 Development likely to affect and electricity transmission of distribution network	
2.48 – Determination of development applications – other development	<p>A Services Infrastructure Report accompanied the EIS and was prepared to address the electricity supply network due to the impedance of the proposal within immediate vicinity of the Ausgrid substation.</p>

The application was referred to Ausgrid who did not raise an objection, subject to conditions.

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements

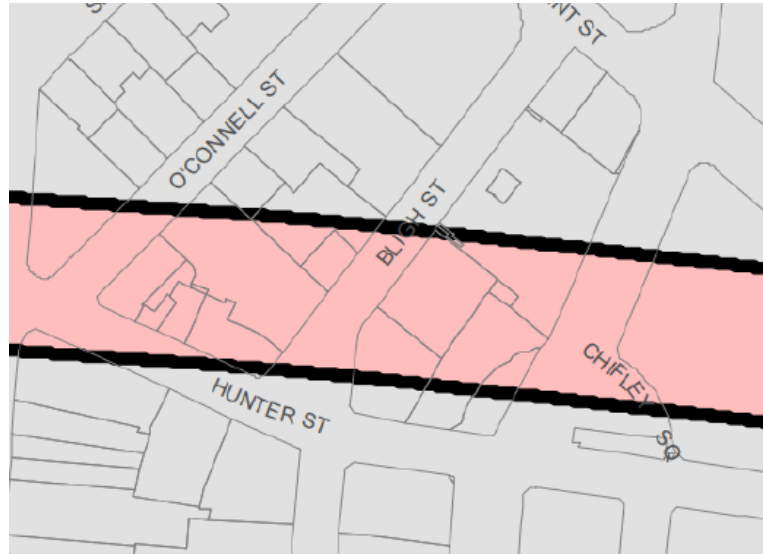
2.99 – Excavation in, above, below or adjacent to rail corridors

This section does not apply to the subject development as the application does not seek consent for excavation. Excavation to accommodate the proposed five level basement is sought under a modification to D/2018/892.

2.101 – Development within or adjacent to interim rail corridor

The site is identified on the land shown as “Sydney Metro West Tunnel” on a rail corridors map and involves the penetration of ground to a depth of at least 2m below ground level (existing) as illustrated in the figure below.

2.102 – Major development within Interim Metro Corridor



Additionally, the site is located within the rail Link Zone B tunnel of the Interim Metro Rail Corridor CBD Rail Link & CBD Metro as illustrated in the figure below.



Additional information was requested, to which the applicant responded within the Response to Submissions. Sydney Metro is not satisfied that sufficient information has been provided to protect the structural integrity of the Sydney Metro tunnel as a result of the proposal.

Ongoing consultation with Sydney Metro is being carried out to agree that the proposed construction methodology and structure will have an acceptable impact on the existing and future metro rail tunnels.

City staff have spoken to Sydney Metro and are confident that, subject to the consideration of additional information provided to Sydney Metro and separate legal agreements between Sydney Metro and the applicant, the development can be undertaken without adverse impact to the rail tunnels.

As such, it is recommended that the CSPC support the proposed recommendation to delegate determination to the City's CEO pending a response from Sydney Metro.

State Environmental Planning Policy (Resilience and Hazards) 2021

Contamination and site suitability has been addressed under the early works development application D/2019/882. Under the consent, conditions require the submission and approval of a Section A Site Audit Statement to the City prior to the issue of a Stage 2 Construction Certificate for excavation and shoring of the site. This will confirm the site is suitable for the development.

Further, a Remediation Plan was not required for the subject application as the separate consent D/2019/882 relating to early works including demolition, excavation and shoring.

State Environmental Planning Policy (Industry and Employment) 2021

The application includes the proposal for two signage zones located on the bronze metal ground floor awning. The two signage zones have a proposed maximum dimension of 1200mm x 30mm. The submitted EIS notes that this application seeks consent for the signage zones only with a future application to be lodged for the installation of the signs and their detail.

The application has satisfactorily considered the assessment criteria in Schedule 5 of the SEPP and signage within those zones are considered appropriate and in keeping with the character of the area. A condition of consent is recommended requiring the submission of a separate application for the installation of any detailed signage.

Sydney Local Environmental Plan 2012

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

Part 2 | Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located within the SP5 Metropolitan centre zone. The proposed commercial, visitor and tourist accommodation and food and drink premises uses are permissible with consent.

Part 4 | Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>The height of building is not to exceed 235 metres as illustrated in Area AH of the Sydney LEP 2012 Height of Buildings map.</p> <p>The proposal intends to construct a tower that is 205 metres high (RL225.88) and 59 storeys high, which is compliant with the AH area.</p> <p>See further discussion under clause 6.44 below.</p>
4.4 Floor space ratio	N/A	<p>The FSR is not to exceed 8:1 as illustrated in area AC of the Sydney LEP 2021 FSR map.</p> <p>The proposal seeks an FSR of 22:1 and a total GFA of 26,781sqm. The proposed FSR exceeds the maximum allowable under clause 4.4 however, site specific provisions apply to the development.</p> <p>See discussion under clause 6.44 below.</p>

Part 5 | Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The proposal is not identified as a heritage item or within a heritage conservation area. The site is located adjoining three heritage items to the north, east and south frontages.</p> <p>The proposal has been designed to respect the streetscape and the existing heritage buildings with adequate setbacks, form of the podium, articulation of the facade (responding to the City Mutual building), vertical emphasis of openings and contemporary use of traditional materials. The building design responds to the use of contemporary materials (copper, stainless steel), complementing the natural sandstone and face brick tones of the adjoining items and sandstone cladding along the base.</p>

The adjoining heritage items are prominent and individually significant buildings, they are within an area of high-rise buildings and the proposal will have minimal impact on their significance.

The proposal is unlikely to have impact on historical archaeological relics due to the excavation of up to eight meters in depth below current street level from prior development. Geotechnical testing did not discover soils or historical deposits overlying excavated bedrock. In the unlikely event any historical archaeological material is encountered, works will be stopped in the immediate vicinity of the deposit.

5.21 Flood planning	Yes	<p>The site is note located within either a high hazard or a low hazard area under the NSW Floodplain Development Manual (2005).</p> <p>The Flood Risk Assessment submitted with the application provides an assessment of the potential flood risk on the site and has been prepared with regard to the NSW Floodplain Development Manual (2005) and the City of Sydney Floodplain Management Policy.</p> <p>The site is well elevated from the surrounding streets and is not affected by the 100-year ARI flooding event nor the PMF flooding event. Flood depths of less than 100mm are experienced within Bligh Street and are generally contained within the road corridor. The site is connected to the existing Bligh Street stormwater network, which drains away from the site to the intersecting streets in the north and south</p>
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Part 6 | Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Types of additional floor space		
6.10 Heritage floor space	N/A	Heritage floor space is calculated in accordance with the relevant site specific provisions in section 6.44 of the Sydney LEP 2012. See below for further discussion.
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	Heritage floor space is calculated in accordance with clause 6.44(8). See below under clause 6.44 below.
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney	Yes	The site is located in an identified tower cluster in the Central CBD. It is encouraged to optimise development potential and increase viability of floor space which the proposal will achieve with the building height of 205 metres and FSR of 22:1.

The podium setbacks are majorly to the boundary with exceptions for voids to the adjoining buildings as aligned with the controls.

The tower has an eight metre setback above the podium to refine and reduce overall bulk and provide an appropriate amenity. The street frontage along Bligh Street has been designed to ensure it provides positive public domain amenity to activate the streetscape.

The proposal satisfies the requirements of this clause as follows:

- The development will not create adverse wind impacts within the public domain
- The proposal will not have an adverse impact on significant views from the public domain
- Neighbouring heritage items have been highly considered within the design providing an acceptable response to the heritage significance of local and State heritage items
- The proposal has taken into account the sun access planes to ensure the Martin Place sun access plane to the south of the site is protected
- The proposal is a high tower form that has an orientation that maximises view potential for all hotel guests and visitors, particularly those visiting the rooftop restaurant and bar at the upper levels
- The podium height has been designed to align with the neighbouring heritage significant building for a consistent transition

6.17 Sun access planes	Yes	<p>The site is within close proximity of the Martin Place and The Domain sun access planes.</p> <p>The proposed building does not exceed the height of the sun access planes and meets the provisions of this clause.</p>
6.18 Overshadowing of certain public places	Yes	<p>The proposal does not cause any additional overshadowing of any protected public place, including Martin Place.</p>
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>See discussion under Section 6.2.</p> <p>The development satisfies the provisions of Clause 6.21C and therefore achieves design excellence.</p>
Division 5 Site specific provisions		
6.44 4-6 Bligh Street, Sydney		

6.44(1) The objective of this clause is to encourage land uses other than residential accommodation or serviced apartments.	Yes	The development meets the objective of the clause. The proposal does not include any residential accommodation or serviced apartment uses.
6.44(2) This clause applies to 4–6 Bligh Street, Sydney, being Lot 1, DP 1244245.	Yes	The site is identified as 4-6 Bligh Street (lot 1, DP 1244245) and therefore this clause applies to this proposal.
6.44(3) Despite any other provision of this Plan, a building on land to which this clause applies may have a maximum floor space ratio of— (a) 20:1, or (b) if a competitive design process has been held under Division 4 and the building demonstrates design excellence within the meaning of that clause—22:1.	Yes	The development has a floor space ratio of 22:1 available as a competitive design process has been held and the proposed building is considered to exhibit design excellence. The application proposed an FSR of 22:1 and is consistent with the provisions of the subclause.
6.44(4) A building on land to which this clause applies is not entitled to any other additional floor space permitted by this Plan except as provided by this clause.	Yes	The application does not seek any additional floor space unless otherwise provided in the clause.
6.44(5) Development consent must not be granted for development under subclause (3) unless the consent authority is satisfied that— (a) if subclause (3)(b) applies—the floor space ratio of the above ground levels of the building does not exceed 21.2:1, and (b) if subclause (6), (7) or (8) applies—the total amount of heritage floor space is allocated to the building as calculated in those subclauses, and (c) the building does not have a height greater than 205 metres, and (d) any floor above the podium level of the		The proposal meets the requirements of this provisions as follows: <ul style="list-style-type: none"> • The proposal does not exceed a floor space ratio of more than 21.2:1 for floor space above ground level. Below-ground floor space equates to 0.8:1. • Heritage floor space is calculated in accordance with clause 6.44(8). • The building height is proposed to be 205m • The highest GFA of the floors above the podium (level 12 and above) is no greater than 421sqm • There is no architectural roof feature proposed • End of journey facilities will be provided for both employees of the hotel use and commercial office uses within the basement • The development does not propose residential accommodation or serviced apartment use

building does not have a gross floor area greater than 470 square metres, and

(e) the building does not include any additional height granted under clause 5.6 or Division 4, and

(f) the building includes end of journey facilities, and

(g) the building will not be used for the purposes of residential accommodation or serviced apartments.

6.44(6)-(9) Heritage floor space calculations Yes

The amount of heritage floor space to be allocated to the hotel portion of the building equates to 2,978.01sqm.

The amount of heritage floor space to be allocated to the commercial use portion of the building equates to 778.3sqm.

An additional 1,218sqm of heritage floor space is allocated to the building equalling 50% of the difference between 20:1 and the proposed FSR of the building.

In accordance with subclause (9), 1,00sqm of heritage floor space is deducted from the total as the proposal is the result of a winning scheme from an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy.

As such, the total amount of heritage floor space required to be allocated to the site is approximately 3,974.31sqm.

Part 7 | Local provisions - general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.3 Car parking spaces not to exceed maximum set out in this Division	Yes	The maximum number of car parking spaces permitted on site is 96. The application proposes 28 car parking spaces.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	A Planning Agreement is currently registered at the site and applies to all development on the site with a maximum GFA of 26,796 (including potential design

excellence bonus). The Planning Agreement applicable to this SSDA includes a monetary contribution for affordable housing per sqm as indexed within Appendix A of the Planning Agreement to be paid on or before issuance of the Construction Certificate.

Division 4 Miscellaneous

7.16 Airspace operations	Yes	<p>The development has a total height of RL225.88 (205m). The building will therefore penetrate the Operations Surface Limit (OLS).</p> <p>The Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) does not extend over the site and there will be no intrusion to the PANS-OPS.</p> <p>The application was referred to Sydney Airport and CASA who raised no objection to the proposal, subject to conditions.</p>
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Appendix C – Response to community submissions

Issue	Consideration
Impact on operation of existing businesses	<p>The expected impacts on the operation of existing business are noted. The demolition of the building has been approved and the businesses within the existing building will be required to vacate.</p> <p>The anticipated impacts of the proposed construction of the development are considered acceptable and conditions of consent are recommended to mitigate these impacts. Conditions include:</p> <ul style="list-style-type: none"> • Preparation of a construction traffic management plan • Preparation construction environmental management plan • Compliance with the City's hours of construction requirements • Preparation of a construction noise and vibration management plan • Compliance with standard noise and traffic management conditions
Daylight access impact to 1 Chifley Square lightwell	These matters are discussed in detail in Section 6.3 .
Heritage impacts	
Request for dilapidation report on surrounding heritage items	

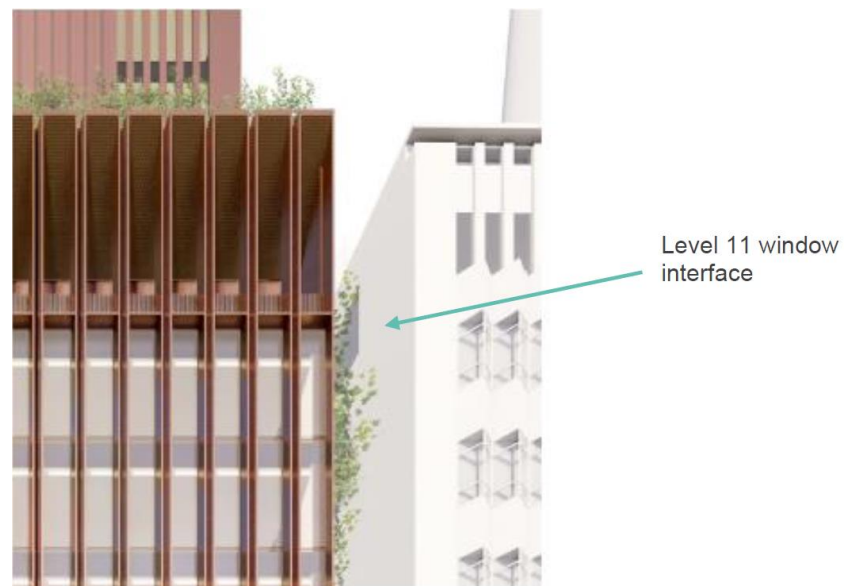
Noise impacts from proposed plant

The location of proposed plant is considered suitable. Conditions of consent are recommended requiring any noise from plant to not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with the relevant requirements of the NSW EPA *Noise Policy for Industry 2017*.

Impact on outlook from side windows in adjacent buildings

The proposed podium setback to adjoining developments is consistent with the site specific provisions in the Sydney DCP 2012. The podium has a 3.4m setback from the City Mutual building to the south from levels 2 to 11, being specifically designed to maintain daylight access to existing outlooks from the building.

It is not anticipated that any unacceptable overlooking or privacy impacts will be created as views to the proposed development over the boundary will predominantly be façade detailing and a vertical garden as shown below.



The City considered this matter to be sufficiently addressed and no specific conditions of consent are recommended.