

Item 5.**Development Application: 499-501 Kent Street, Sydney - D/2023/868**

File No.: D/2023/868

Summary

Date of Submission:	27 September 2023, amended on 24 April 2024 and 5 June 2024
Applicant/Developer:	499 My Icon Development Pty Ltd
Architect:	SJB
Owner:	Element Property Sydney Pty Ltd
Planning Consultant:	Urbis
Heritage Consultant:	NBRS
DAP:	23 November 2023
Cost of Works:	\$65,012,345.00
Zoning:	The site is zoned SP5 Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed use is defined as a 'mixed use development', comprising 'hotel accommodation' and 'food and drink premises', all of which are permissible with consent.
Proposal Summary:	Development consent is sought for the detailed design of the redevelopment of the former "Universal File Manufacturing Co" warehouse, comprising partial demolition of the existing 3 storey heritage warehouse, excavation and remediation, and construction of a 19 storey tower addition above to accommodate a 228 room hotel development with food and drink premises on the lower ground, ground, and roof levels. Consent is also sought for the associated signage strategy, landscaping including replacement of 2 street trees, and public domain upgrades including the conversion of Druitt Lane into a shared zone.

The subject DA is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed development is defined as a "major development" for the purposes of the City of Sydney Act 1988.

The subject DA requires amendment of the approved concept envelope. A Section 4.55(2) modification application (D/2020/1224/A) has been lodged, assessed, and reported to the CSPC concurrently. The modification application is recommended for approval. Subject to the approval of modification application, the subject DA will be consistent with the concept consent in accordance with Section 4.24 of the Environmental Planning and Assessment Act 1979.

An 'invited' architectural design competition was held, with SJB selected as the winning scheme. Subject to conditions, the proposed development exhibits design excellence and is eligible for, but not reliant on, up to 10% additional Floor Space Ratio pursuant to Clause 6.21D of the Sydney Local Environmental Plan 2012.

The application has been amended to address issues identified by council officers during assessment. The key issues relate to:

- protection of solar access to the future Town Hall Square;
- design adjustments to improve internal layout, landscape design, and relationship of the infill element on Druitt Lane with the heritage item;
- additional information to demonstrate acceptable external passive shading, and compliance with acoustic and flood-management criteria; and
- updated construction noise and vibration management plan and operation management plan to demonstrate strategies to minimise short-term and long-term impacts to neighbouring properties.

The original proposal was notified and advertised for a period of 28 days between 9 October 2023 and 7 November 2023. Eleven (11) submissions were received. Following the amendments made on 24 April 2024, the application was re-notified and re-advertised for 14 days. A further three (3) submissions were received. The submissions raised the following concerns:

- potential overshadowing of future Town Hall Square
- amenity impacts, including visual and acoustic privacy, outlook

- compatibility of design with surrounding buildings
- inappropriate setback to Kent Street
- inappropriate heritage outcome
- traffic impacts
- construction impacts and
- lack of appropriate supporting documents.

The issues raised in the submission are addressed in the report, and where appropriate, the application has been amended and/or conditions of consent are recommended to address these issues.

Subject to conditions, the proposal is generally compliant with the relevant planning provisions contained in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Any inconsistencies have been assessed as having merit in the context of the site and are addressed in this report.

The amended proposal is considered to exhibit a high standard of architectural design, materials and detailing. It presents a high-quality outcome, comprises an appropriate response to the site conditions and locality and will result in a form and scale that achieves the desired future character of the area and exhibits design excellence.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Water Management Act 2000
- (iv) SEPP (Resilience and Hazards) 2021
- (v) SEPP (Industry and Employment) 2021
- (vi) SEPP (Transport and Infrastructure) 2021
- (vii) SEPP (Biodiversity and Conservation) 2021
- (viii) Sydney Local Environmental Plan 2012

- (ix) Sydney Development Control Plan 2012
- (x) Sydney Landscape Code 2016 - Volume 2
- (xi) City of Sydney Guidelines for Public Art in Private Developments 2006
- (xii) City of Sydney Guidelines for Waste Management in New Developments
- (xiii) City of Sydney Interim Floodplain Management Policy 2014
- (xiv) Central Sydney Development Contributions Plan 2020
- (xv) City of Sydney Affordable Housing Program 2023
- (xvi) City of Sydney Community Engagement Strategy and Community Participation Plan 2023

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2023/868 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposed development is consistent with the amended concept approval for the site, being D/2020/1224/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act 1979.
- (C) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (D) The proposed development generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (E) The proposal complies with the maximum floor space ratio development standard in Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012, and appropriate condition is recommended to require the allocation of heritage floor space in accordance with Clause 6.11 of the Sydney Local Environmental Plan 2012.
- (F) The proposed development complies with the maximum height of building development standard and the Sun Access Protection requirements for the Future Town Hall Square in accordance with Clauses 4.3 and 6.18 of the Sydney Local Environmental Plan 2012.
- (G) The proposed development will conserve the heritage significance of the former "Universal File Manufacturing Co" warehouse in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (H) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (I) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily respond to the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (J) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.

- (K) The proposed mix of compatible land uses will support the vitality of the area and, subject to the recommended conditions, not result in any significant adverse environmental or amenity impacts on neighbouring properties, the public domain, and the broader Sydney Central Business District.

- (L) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of associated potential environmental impacts.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 100 DP 1247505, and has a street address of 499-501 Kent Street, Sydney. The site is irregular in shape and has an area of 811.4 square metres. It has a 11.5 metre frontage to Kent Street and a 43 metre frontage to Druitt Lane. There is a fall of 5.47 metres from the eastern (Kent Street) boundary to the western rear boundary.
2. The site contains a three-storey L-shaped commercial building with a lower level basement, vehicular access from Druitt Lane, and a hard stand area in the western part. The existing commercial building is identified as a local heritage item (item no. 'I1834'), known as the former "Universal Film Manufacturing Co" warehouse. The eastern portion of the existing building was constructed in 1936 of steel frame and brick in the Inter-War Stripped Classical. A brick extension was later constructed in the west in 1966 with no decorative features. The building is aesthetically significant as an example of a relatively intact original commercial exterior of high-quality design. Internally, however, the building has been remodelled with no evidence of original finishes.
3. The character of the area is predominantly commercial in nature, with surrounding development comprising office, retail, hotel and residential uses. The surrounding context is as follows:
 - Immediately to the west is 60 Bathurst Street (formerly known as 286-296 Sussex Street), which was recently developed as a 26-storey mixed use building comprising hotel uses within the podium, a residential tower above and basement parking.
 - Immediately to the south is a 13-storey commercial building at 503-505 Kent Street. Of particular relevance to the subject application, the commercial building has windows constructed on its northern and western boundaries. Those windows are subject to a covenant requiring them to be enclosed to Council's satisfaction at the Registered Proprietor's cost (see further detailed in the 'Relevant History' section below).
 - Further to the south, on the corner of Kent Street and Bathurst Street, is 507-509 Kent Street, which is a six-storey commercial building.
 - Immediately to the north of the site is Druitt Lane. It is a one-way lane in the easterly direction, with an approximately 3.7 metre width.
 - To the north across Druitt Lane is 493-497 Kent Street, is a four-storey mixed use building with ground floor retail and commercial uses above.
 - Further to the north, at 483-491 Kent Street, is a 10-storey commercial building.
 - To the east across Kent Street is St Andrew's Cathedral School, St Andrew's Cathedral, and Town Hall House. Sydney Square is located further east, being a major public open space framed by these buildings.

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



Figure 1: Aerial photo of the site (shaded red) and surrounds



Figure 2: Site viewed from Kent Street



Figure 3: Site and adjoining properties viewed from DrUITT Street, showing the northern boundary windows of 503-505 Kent Street (left) and the upper level balconies of the residential component of 60 Bathurst Street.



Figure 4: View of DrUITT Lane, facing west (left) and facing east (right)



Figure 5: View of Kent Street, facing north, showing the dedicated cycle path and drop-off zone for St Andrew's Cathedral School



Figure 6: View of Kent Street, facing south

Relevant History

Subject Site - Concept Approval - D/2020/1224

5. On 25 March 2021, concept consent (D/2020/1224) was granted by the Central Sydney Planning Committee (CSPC). It provides a concept envelope with a maximum height of 80 metres, an 8 metre setback from Kent Street; 6m setback from the centreline of Druitt Lane, and a tapered western setback, ranging between 1.9m and 9m, to protect visual access, view, and privacy of the adjoining development to the west.
6. The subject DA for the detailed design proposal requires amendments to the concept consent, including the concept building envelope. A Section 4.55(2) modification application (concurrent modification application) (D/2020/1224/A) was lodged concurrently to incorporate these variations, including:
 - (a) reduce the overall building height to preserve solar access to the future Town Hall Square to comply with Condition (4)(a);
 - (b) amend the envelope at basement levels to increase the overall depth;
 - (c) infill the northeastern void on lower ground and ground levels;
 - (d) increase the podium height from RL31.70 to RL31.89, to reflect the surveyed height of the existing heritage building;
 - (e) reduce the northern setback to the centreline of Druitt Lane by 700 millimetres, from 6 metres to 5.3 metres; and,
 - (f) reduce the western setback to Kent Street by 2 metres, from 8 metres to 6 metres.
7. The modification application has been assessed and reported concurrently with the subject DA to the CSPC for determination. The concurrent modification application is recommended for approval.

Subject Site - Competitive Design Alternatives Process - CMP/2019/12

8. Following the issue of the concept consent, the applicant commissioned an 'invited' competitive design alternatives process for the site, which was held between 13 September 2021 and 27 October 2021.
9. Four architectural firms were invited to submit a design proposal. The four architectural firms were:
 - (a) Aileen Sage
 - (b) fjmt (now fjc)
 - (c) PTW
 - (d) SJB

10. The four design proposals were presented to the competition jury on 27 October 2021. The competition jury unanimously concluded that the proposal presented by SJB was most capable of achieving design excellence. This Panel also recommended a number of design refinements that are discussed later in this report.
11. The SJB scheme forms the basis of the subject DA. Images of SJB's competitive design scheme, as presented to the competition jury, are provided below.



Figure 7: SJB competitive design scheme viewed from Kent Street



Figure 8: SJB competitive design scheme - view of the tower element



Figure 9: SJB competitive design scheme - detailed view of the upper western façade



Figure 10: SJB competitive design scheme - detailed view of the podium

Adjoining Site - 503-505 Kent Street - Development Consent D/2003/1224

12. The existing 13-storey commercial building on the adjoining site to the south was approved under development consent D/2003/1148 on 6 July 2004.
13. The consent approved windows on the north and west elevations of the commercial building to be constructed at the shared boundary with the subject site. The boundary windows were approved to articulate the otherwise blank boundary walls. It is noted that those windows are not the only source of natural light and ventilation for the commercial development, and the consent included a condition as a *"caveat to permit the enclosure of the windows"*.
14. That condition requires a covenant to be registered on the land title of 503-505 Kent Street requiring the boundary windows to be enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows.
15. Pursuant to that condition, a covenant was subsequently registered on the land title of 503-505 Kent Street, requiring windows on the northern and western boundaries to be *"sealed, bricked up or otherwise enclosed at Council's direction, to Council's reasonable satisfaction and at the Registered Proprietor's cost prior to the commencement of construction, where and to the extent that the construction is intended to abut, adjoin or be adjacent to the Boundary."*
16. The covenant if necessary can be enforced by the City when necessary to facilitate the proposed development of the subject DA at the appropriate time.

Amendments to the Subject DA

17. Following a preliminary review of the proposed development, a request for additional information and amendments was issued to the applicant on 23 November 2023, requesting the following:
 - (a) additional overshadowing analysis to understand the potential overshadowing impacts to the future Town Hall Square;
 - (b) updated flood assessment report to demonstrate compliance with the City's Interim Floodplain Management Policy;
 - (c) a public domain concept plan to investigate a Shared Zone proposal for DrUIT Lane to address Condition (31) of the concept consent (D/2020/1224);
 - (d) an acid sulfate soils assessment to determine if an acid sulfate soils management plan is required;
 - (e) updated plan of management to identify the proposed liquor licence type, maximum patron capacity for each area of the hotel's food and drink premises, and include acoustic management measures as recommended by an updated acoustic assessment;
 - (f) updated acoustic assessment to assess the cumulative noise impact of the proposed development;
 - (g) updated preliminary public art plan to require future public art to equal the anticipated lifespan of the building; and

- (h) a construction noise and vibration management plan to identify clear vibration limits and other relevant measures to address concerns with construction impacts to neighbouring buildings.
18. Subsequently, the project architect met with council officers on 19 December 2023 to present results from the preliminary solar modelling, which identified overshadowing some overshadowing impact to the future Town Hall Square between October and February. The model also suggested that the building height would need to be reduced by 4 storeys in order to eliminate overshadowing impacts.
19. The project architect met with council officers again on 18 January 2024 to advise that the proposed development would be amended to avoid any overshadowing to the future Town Hall Square. It was also advised that a reduction in the Druitt Lane and Kent Street setbacks was being investigated to generally maintain the number of hotel rooms, thus the commercial viability of the proposed development.
20. A further correspondence was sent to the applicant on 7 February 2024, outlining the information required to support an amended application, and to address the following matters:
- (a) updated architectural drawings for a proposed development that would preserve solar access to the future Town Hall Square;
 - (b) any changes to the Kent Street and Druitt Lane setbacks must be considered against both versions Section 5.1 of the Sydney Development Control Plan 2012 (DCP), being that applicable at the time the concept consent was issued and the current version;
 - (c) design refinements, including the provision of 1.2 metre wide internal corridors, aligning the external face of the infill element on Druitt Lane with the external face of 58-60 Bathurst Street (set back of one brick depth); and quantifying the external passive shading of the north elevation to confirm an equivalent outcome as the competition winning scheme;
 - (d) additional sections to demonstrate the sculptural lightwell above the interconnecting stairwell; and
 - (e) additional information to demonstrate the structural design of the proposed landscaping, and to demonstrate sufficient soil depth and volume to support trees and palms in accordance with the Sydney Landscape Code.
21. The applicant responded to both requests on 24 April 2024 and submitted an updated application package with proposed staging for the issue of construction certificates.
22. A further correspondence was sent to the applicant on 23 May 2024, requesting the following additional information and amendments:
- (a) updated basement plans to clearly label the bulky waste storage area; and
 - (b) adjustments in the Construction Noise and Vibration Management Plan to:
 - (i) increase the respite periods with consideration of surrounding sensitive receivers;

- (ii) include additional details of the proposed vibration and noise monitoring program; and
 - (iii) clarify the responsible person for selecting the appropriate noise mitigation measures as various stages of construction.
23. The applicant responded to the requests on 5 June 2024 and submitted the requested information.

Proposed Development

24. The subject application, as amended, seeks consent for the following:
- (a) partial demolition of the existing heritage item;
 - (b) excavation, remediation, construction of a 19-storey tower addition above the existing three storey heritage item, and conservation works;
 - (c) predominant use as a hotel, with food and drink premises on the lower ground, ground, and roof levels; and
 - (d) public domain upgrades, including the conversion of Druitt Lane into a shared zone and the replacement of two street trees on Kent Street.
25. The hotel is proposed to operate 24 hours per day, 7 days per week. The hotel rooftop pool would be open for hotel guests only, between 6am and 10pm.
26. The lower ground and ground floor restaurant/bar is proposed with a maximum patron capacity of 430 persons and up to 25 staff and operate between 6am and 11pm, Monday to Sunday inclusive. The rooftop bar is proposed to have a maximum patron capacity of 127 persons and up to 10 staff and operate between 12pm midday and 12am midnight, Monday to Sunday inclusive. The bi-fold doors of the rooftop bar will be closed from 10pm, limiting operation to indoors only, and reducing the maximum capacity to 80 persons.
27. The proposed development is supported by a signage strategy, which is shown in Figure 28 below and in Attachment B3. The strategy comprises 8 types of signage zones, as detailed in the table below:

Key	Type	General Location
S1	Illuminated cut-out stencil sign for building identification	Above the Kent Street main entry
S2	Non-illuminated metallic sign with engraved branding information	Adjacent to the Kent Street main entry
S3	Non-illuminated metallic individual lettering for statutory signage	Druitt Lane frontage

Key	Type	General Location
S4	Non-illuminated metallic panel for vehicular entry sign	Above the vehicular entry point off Druitt Lane
S5	Illuminated metallic sign for lower ground level entry	Above the lower ground level restaurant entry door off Druitt Lane
S6	Illuminated upper building sign for building identification (maximum 9,310mm x 750mm)	Top of the north elevation, mounted on top of the parapet
S7	Non-illuminated metallic interpretive plaque	Adjacent to the Kent Street main entry, next to S2
S8	Illuminated hotel operator ID sign	Adjacent to the Kent Street main entry

28. The application also seeks approval for staged construction of the proposed development. The proposed construction staging is set out in the table below:

Stage	Works
1	Site establishment (including hoarding and scaffolding, street tree removal, and soft strip out)
2	Demolition and heritage retention works
3	Excavation and shoring
4	Below ground structure works and services
5	Above ground structure works and services
6	Facade works
7	Fitout and finishes
8	Artwork, public domain works, landscaping

- 29.

30. Selected drawings of the proposed development are provided below.



Figure 11: Proposed photomontage

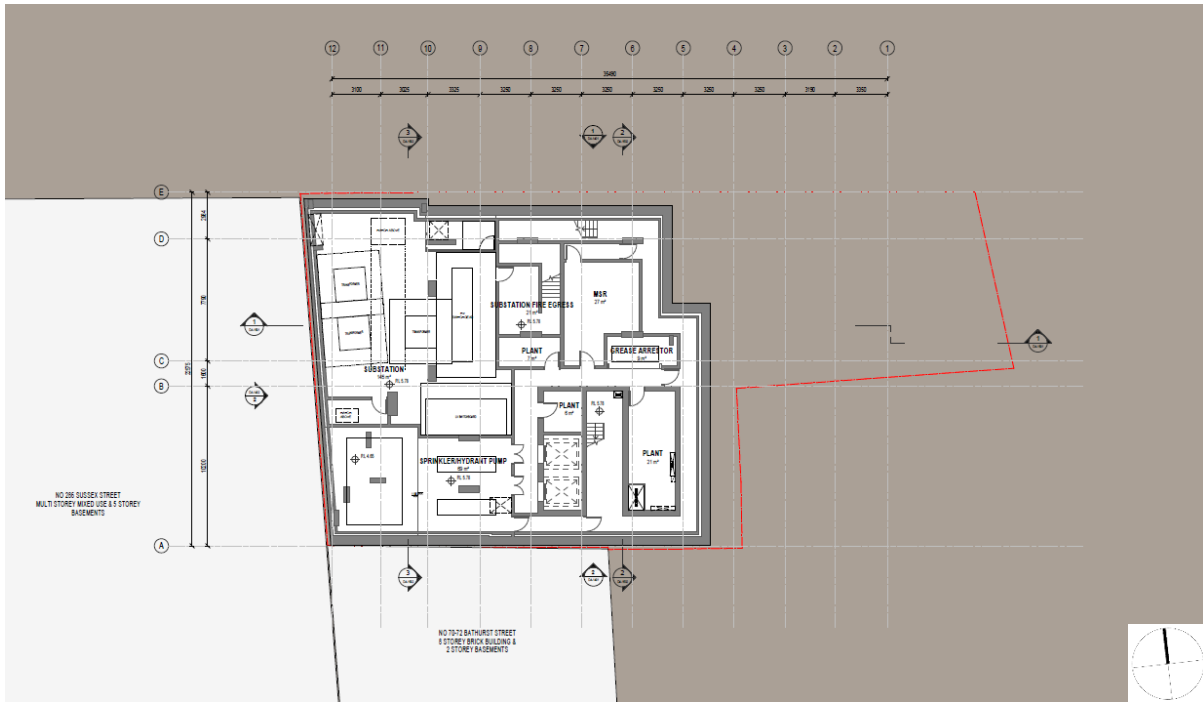


Figure 12: Proposed basement 2

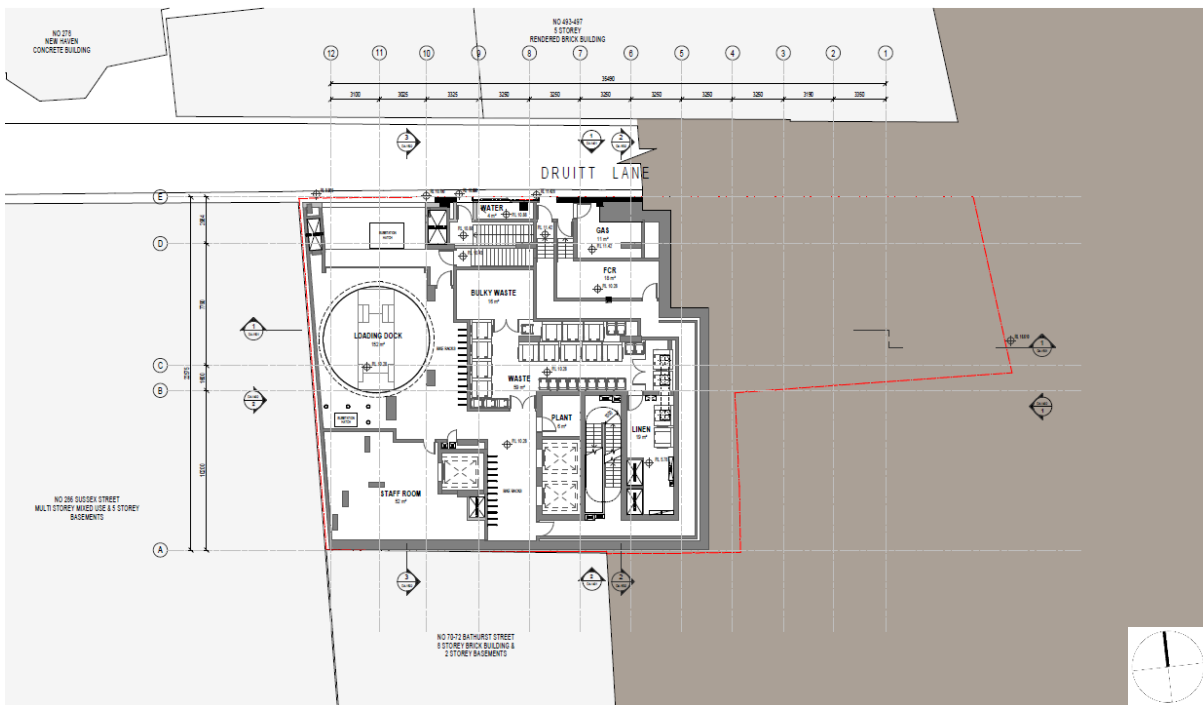


Figure 13: Proposed basement 1

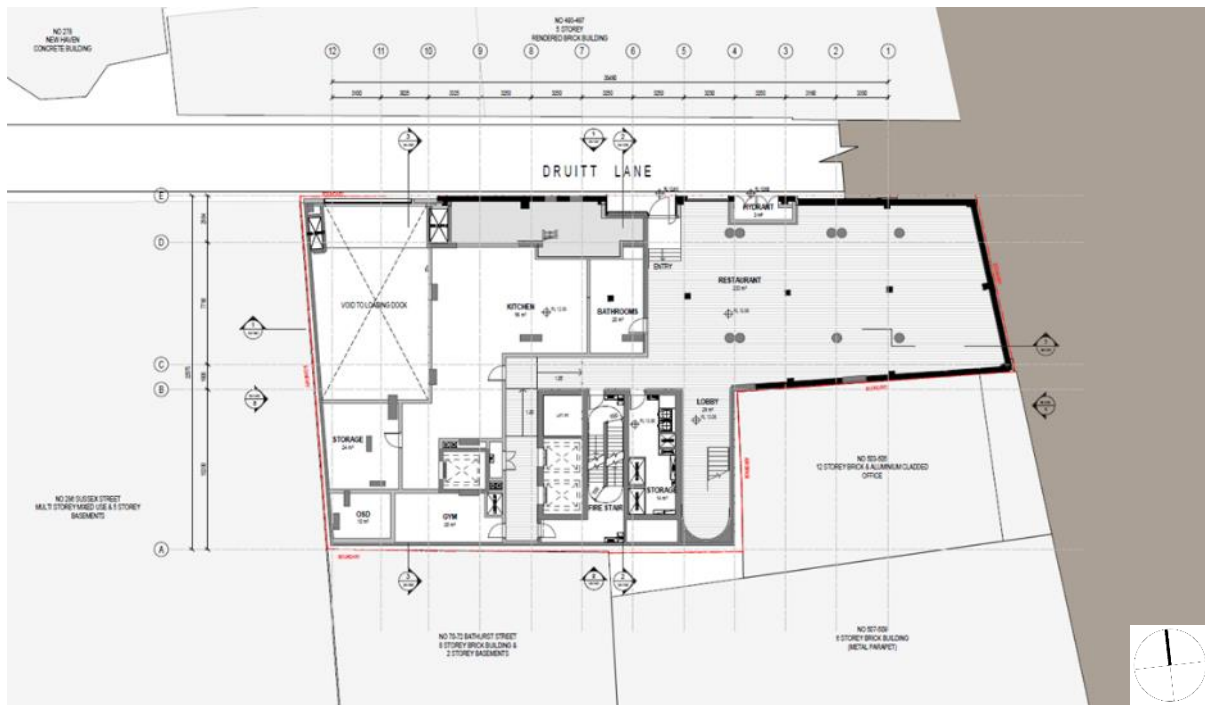


Figure 14: Proposed lower ground level

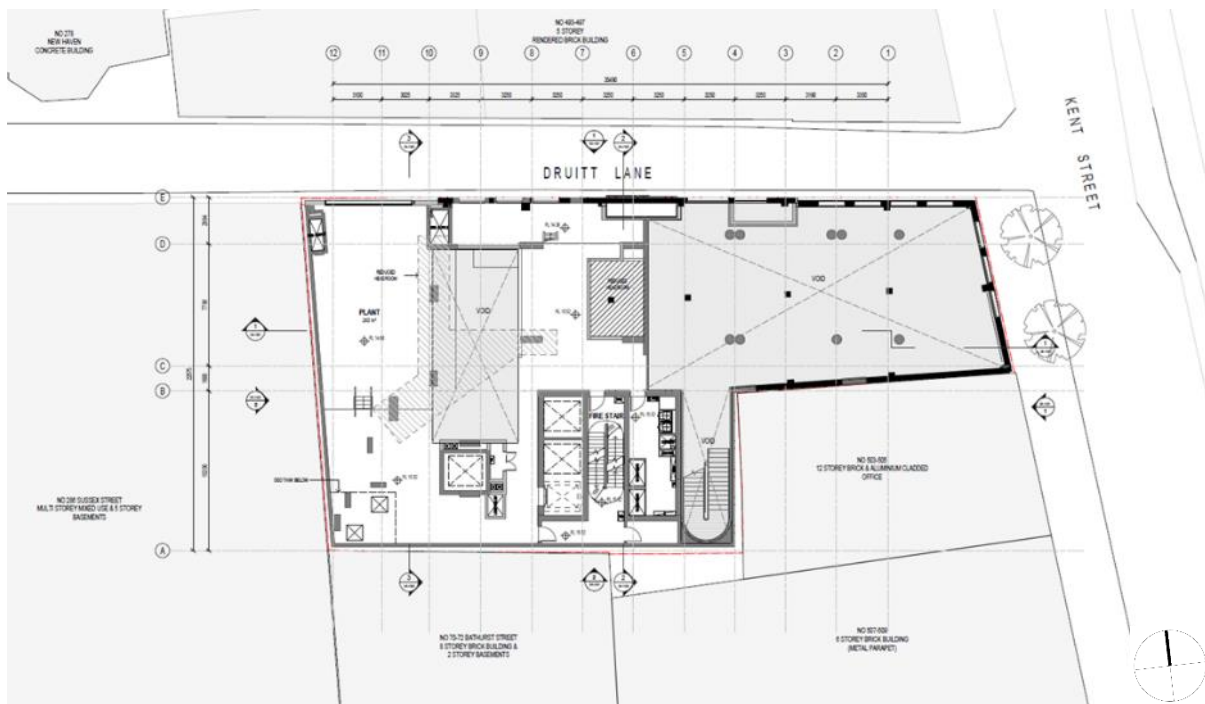


Figure 15: Proposed mezzanine plant level

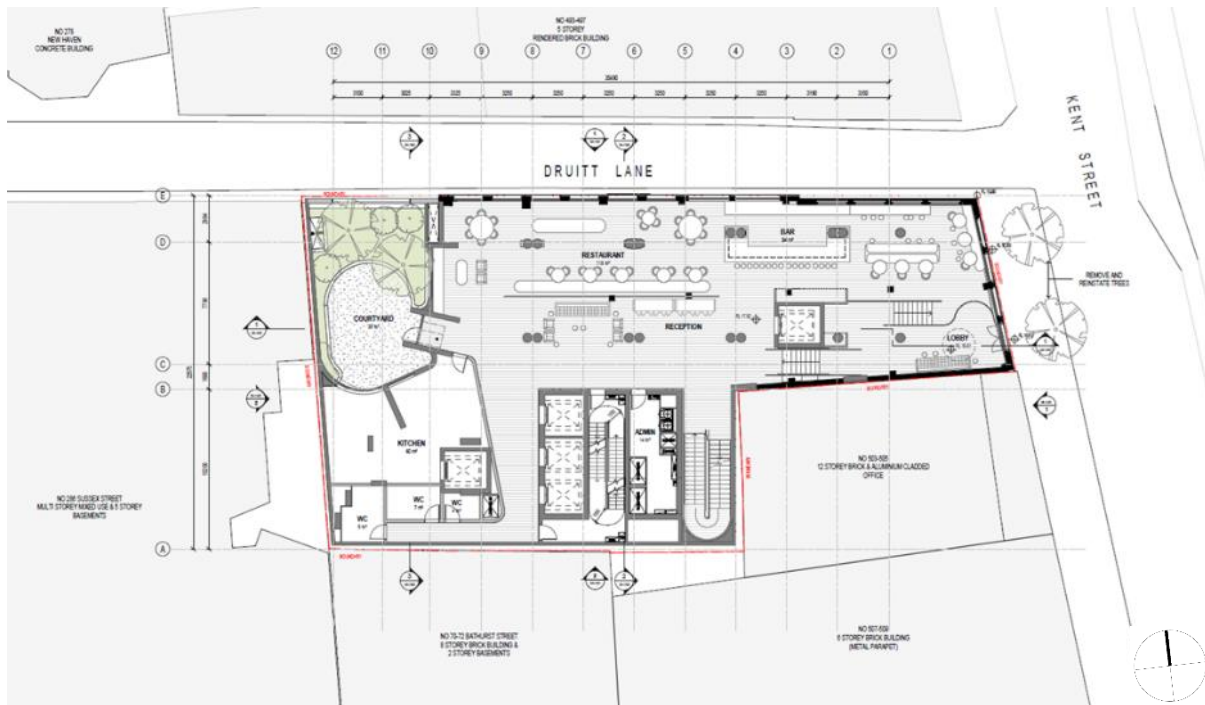


Figure 16: Proposed ground level

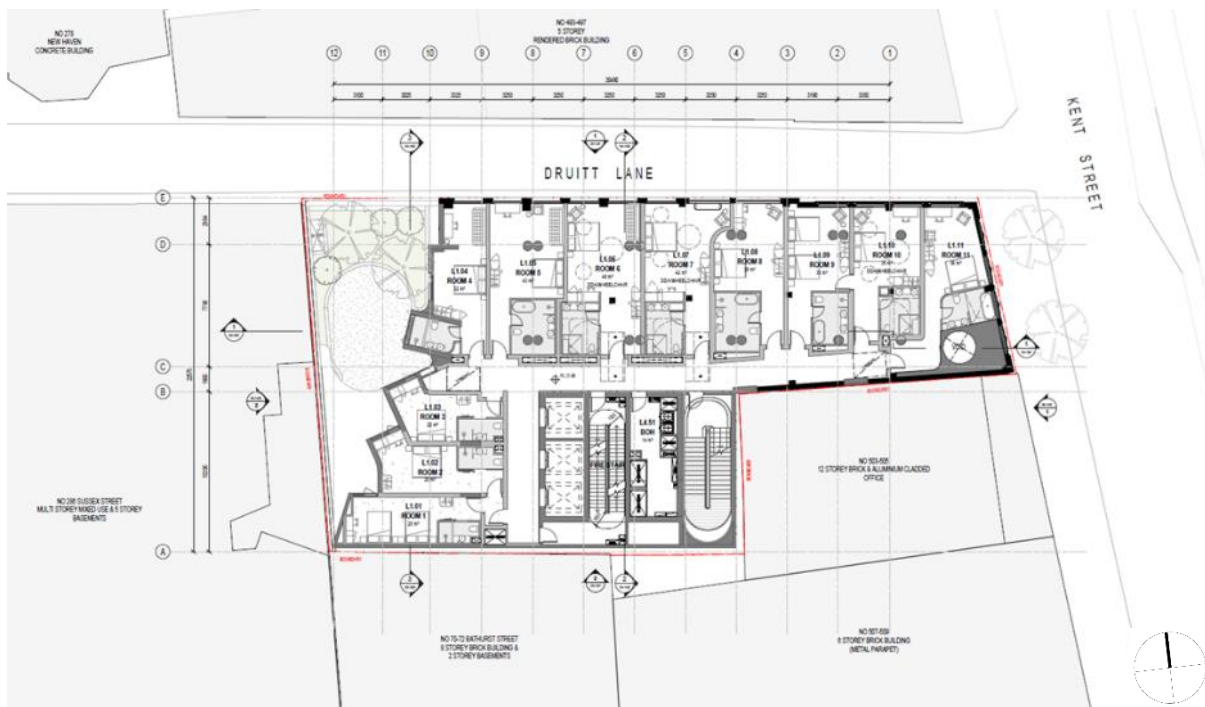


Figure 17: Proposed levels 1 and 2

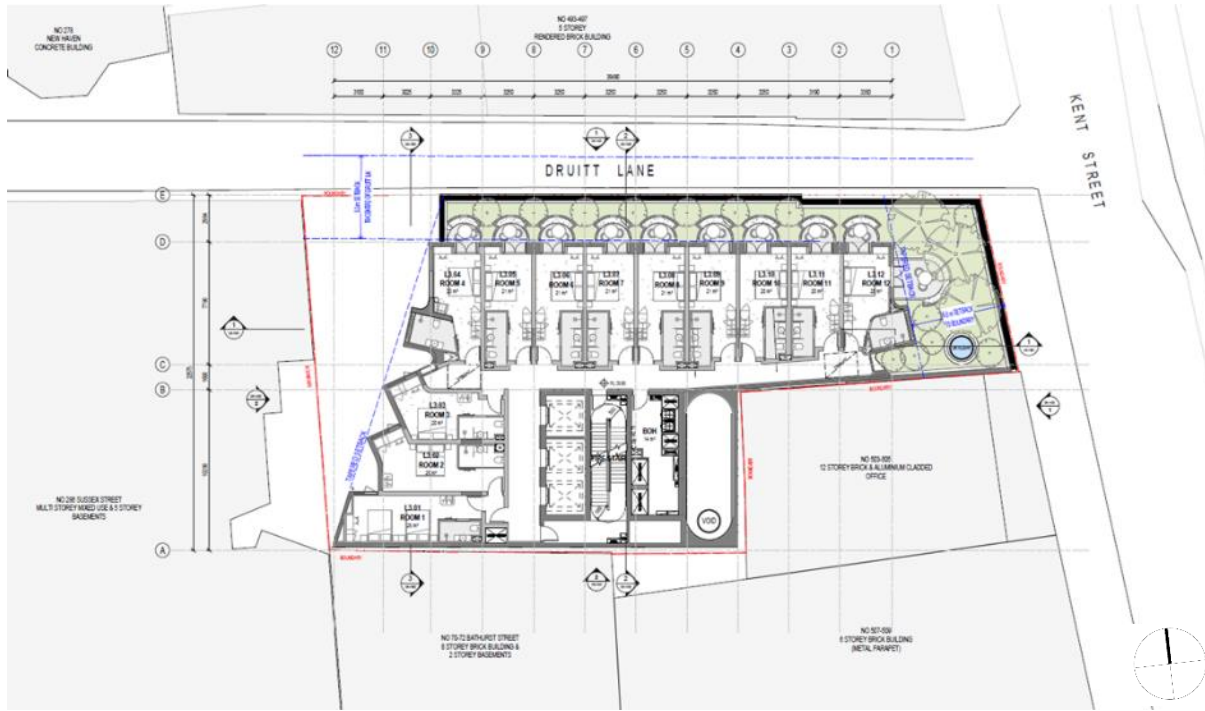


Figure 18: Proposed level 3

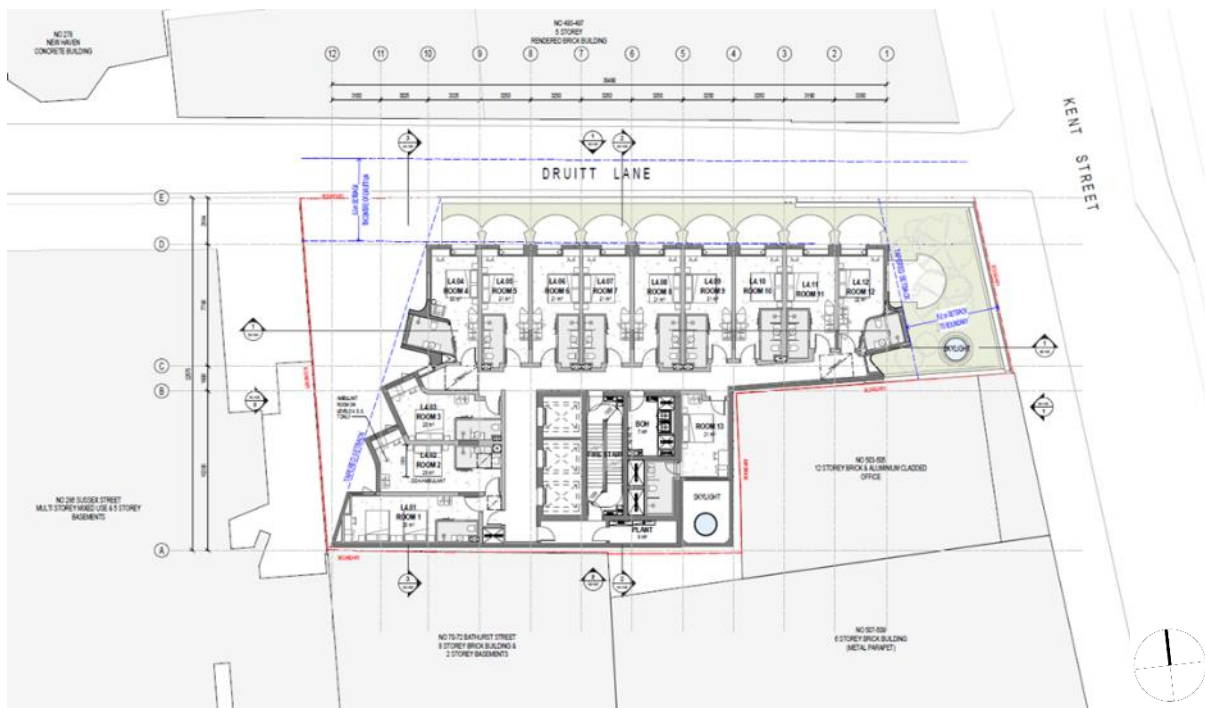


Figure 19: Proposed levels 4-17

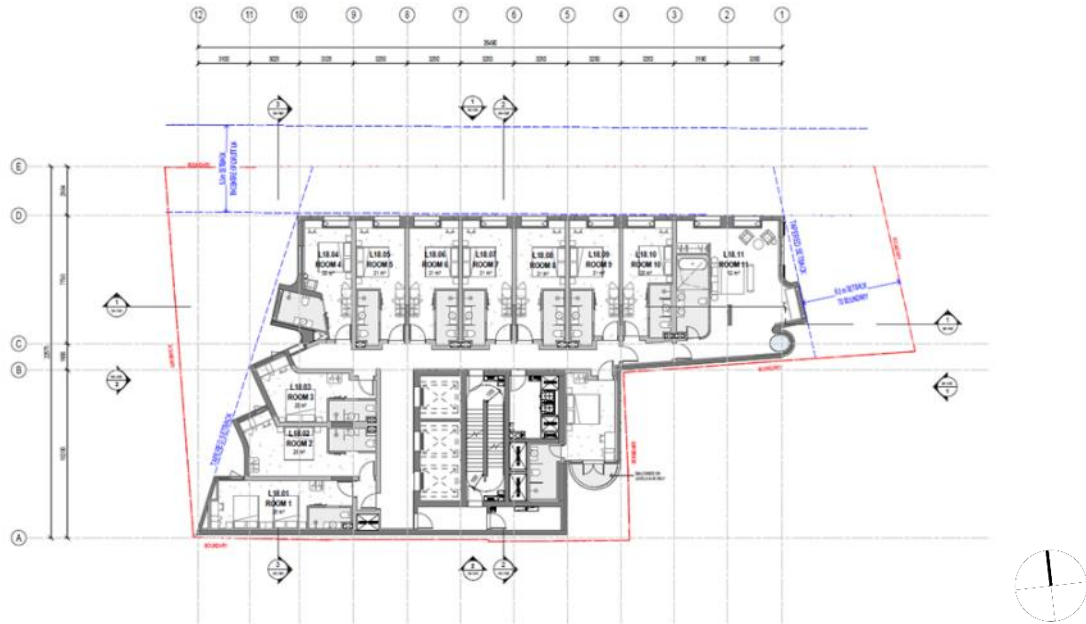


Figure 20: Proposed levels 18-20

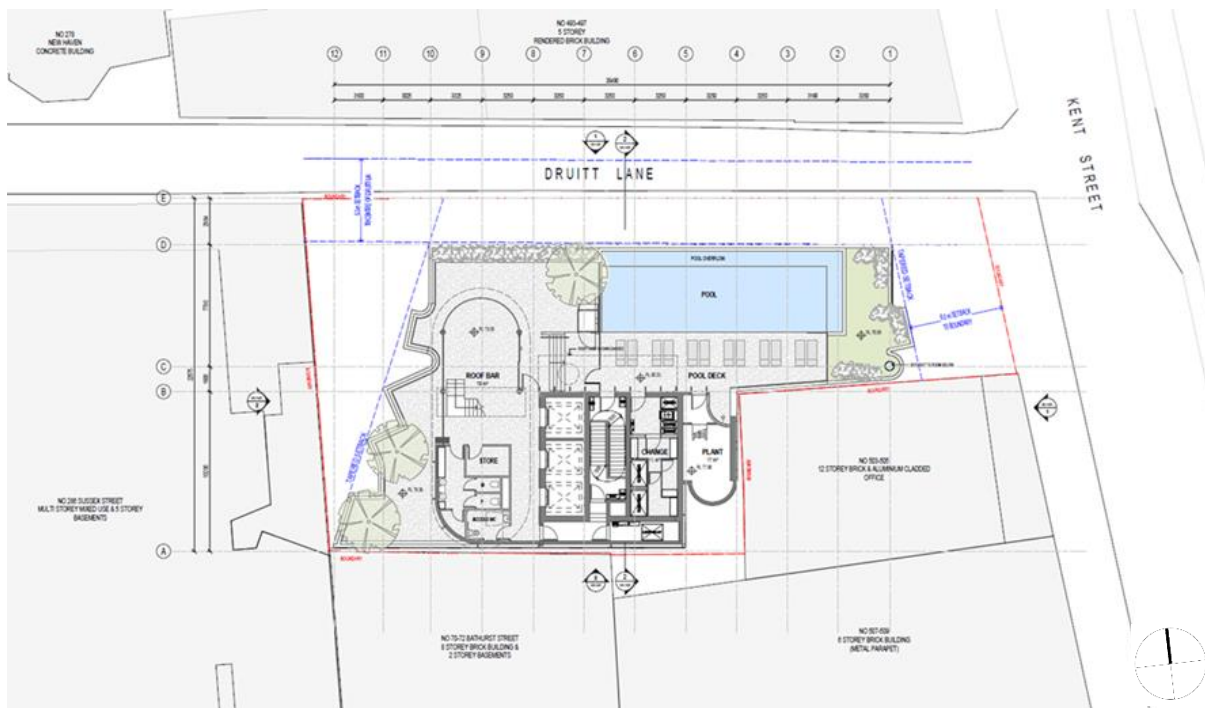


Figure 21: Proposed pool level

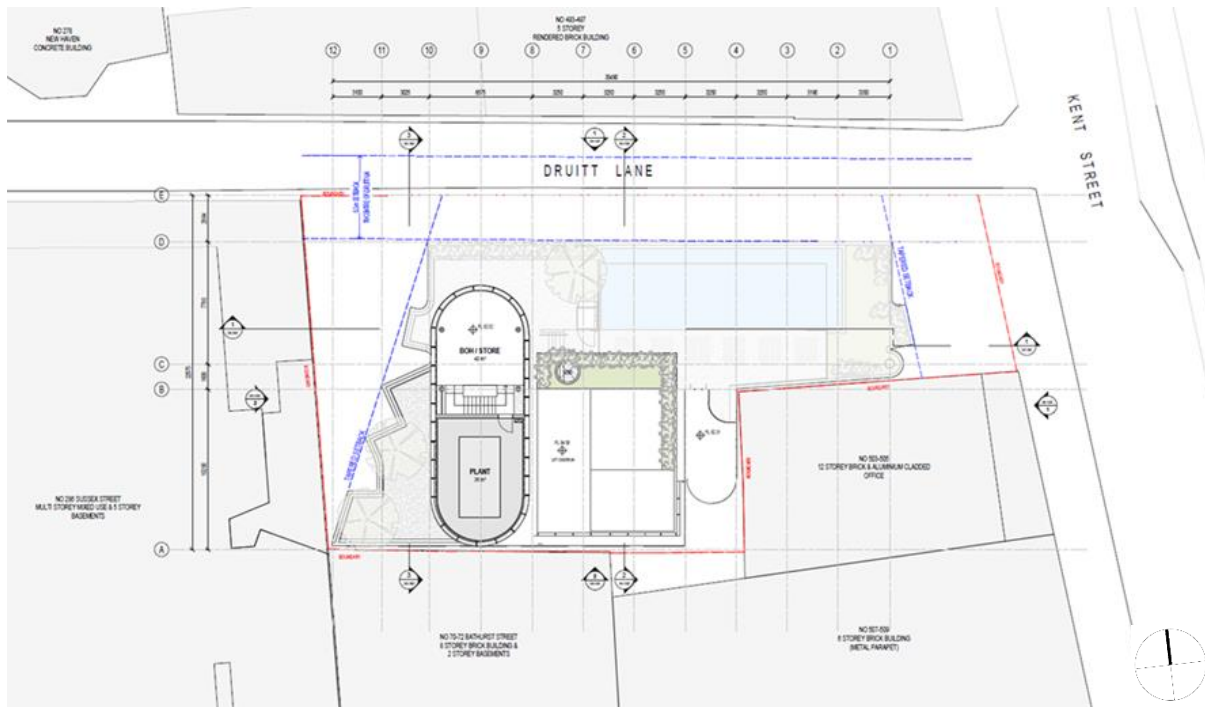


Figure 22: Proposed pool mezzanine

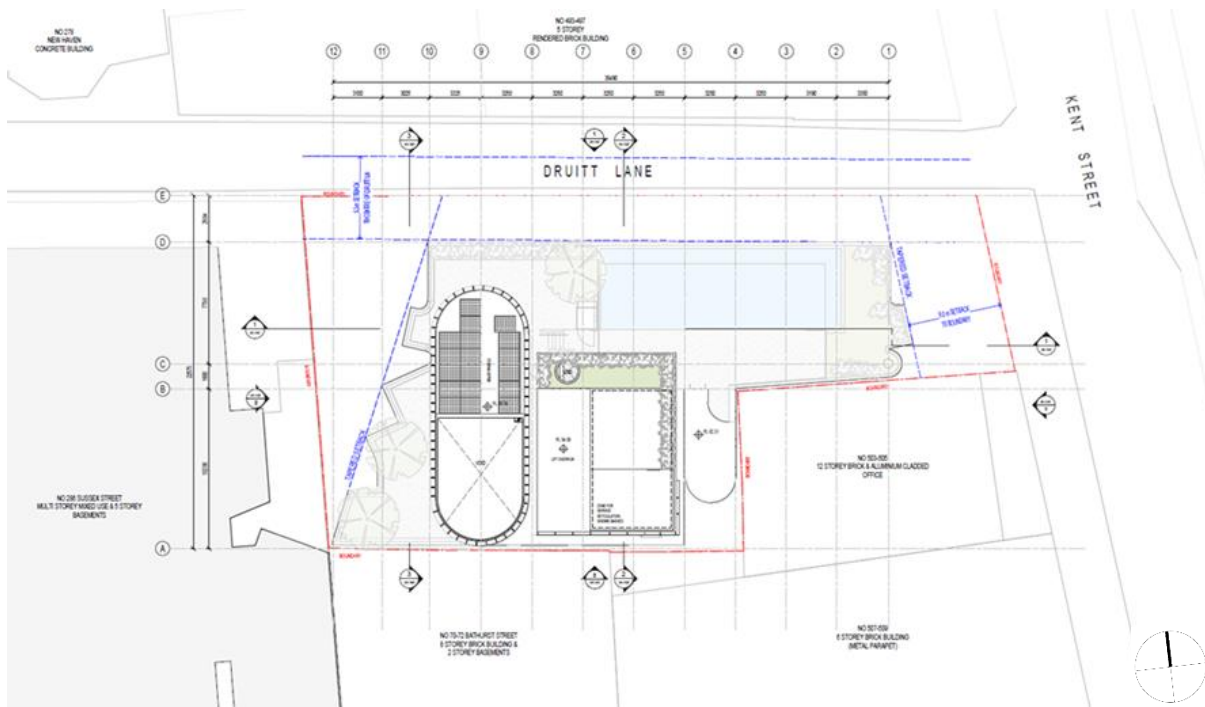


Figure 23: Proposed roof plan

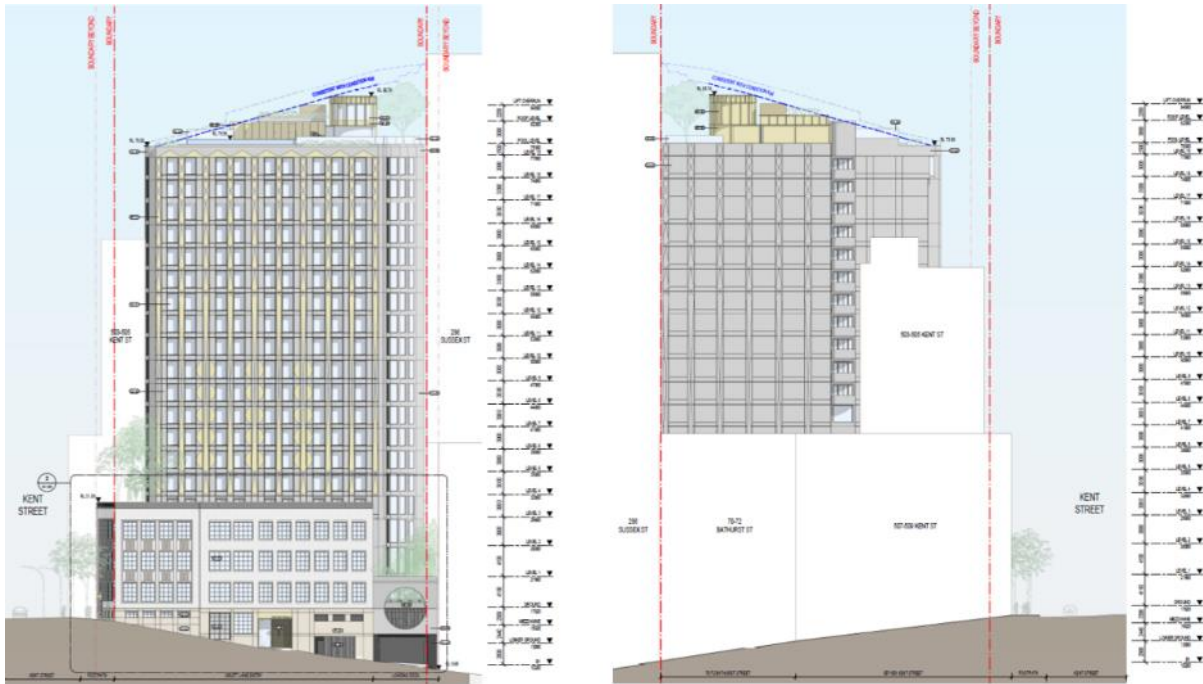


Figure 24: Proposed north (left) and south (right) elevations

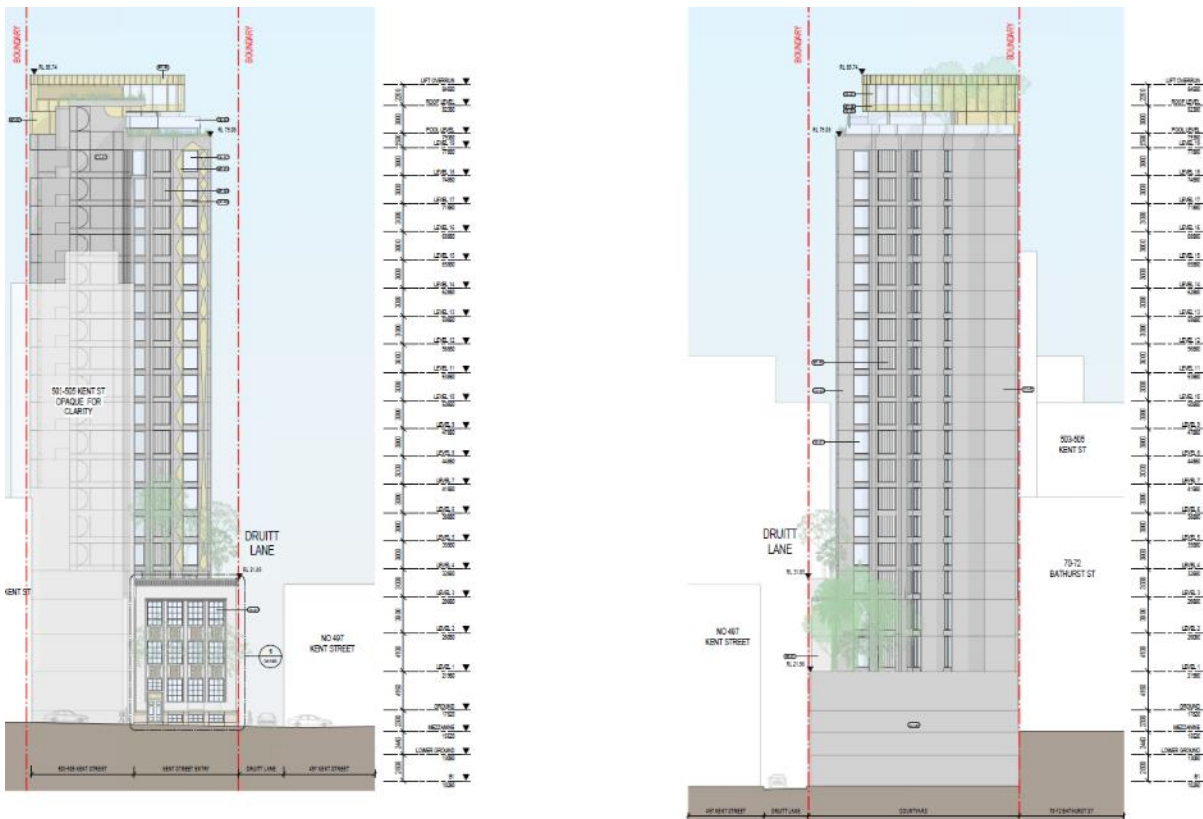


Figure 25: Proposed east (left) and west (right) elevations

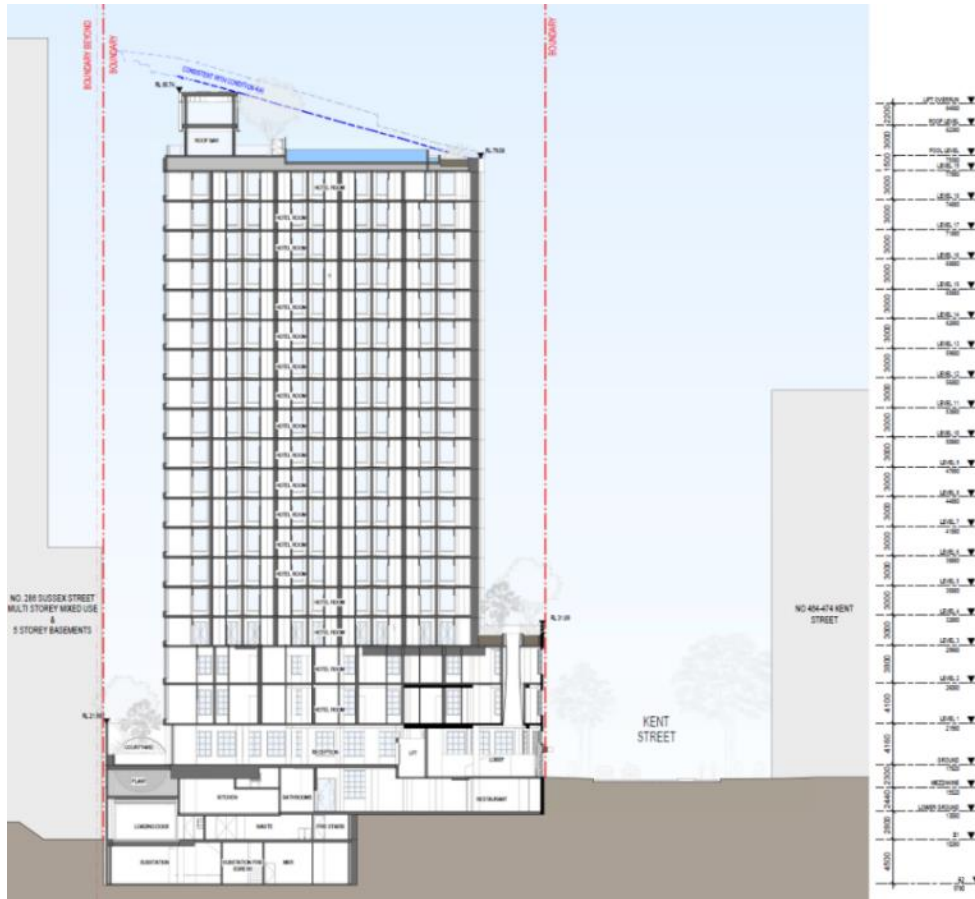


Figure 26: Proposed E-W section A

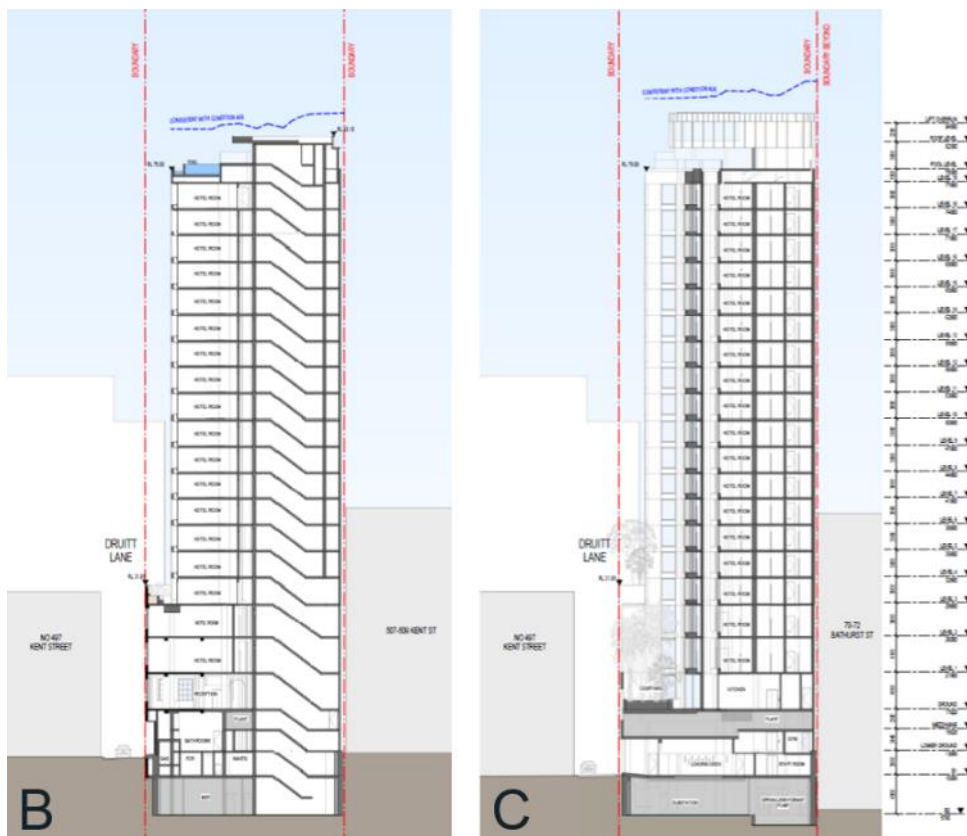


Figure 27: Proposed short sections B and C

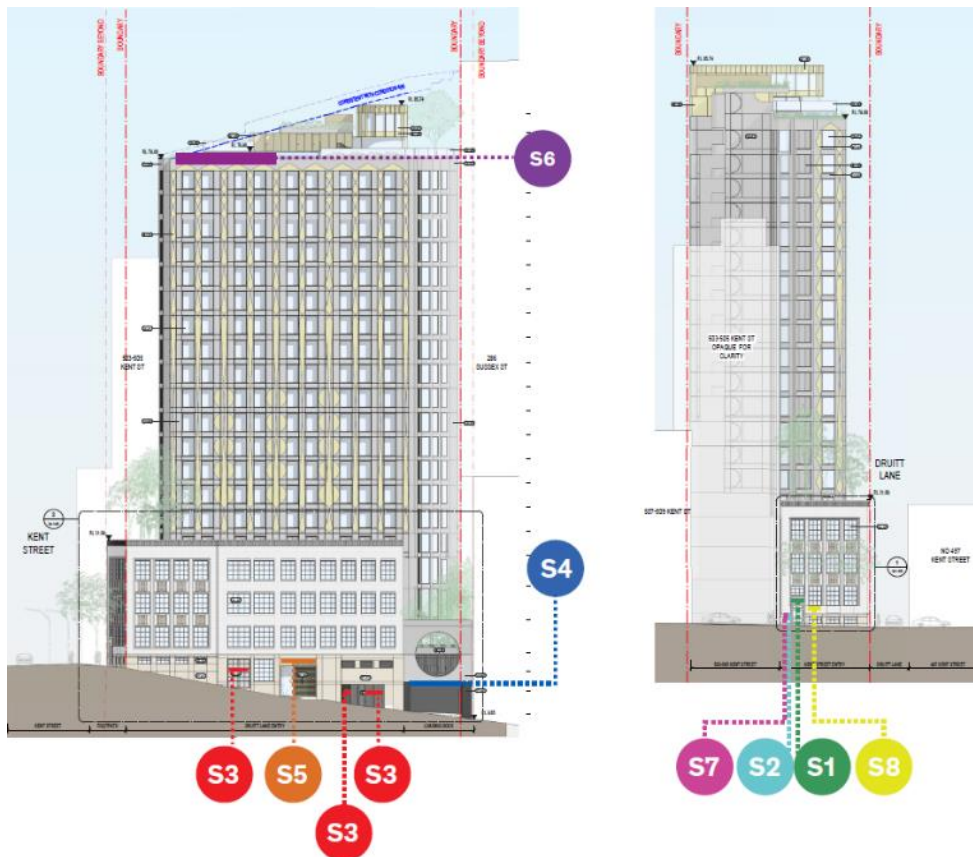


Figure 28: Proposed signage strategy

Assessment

- 31. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Water Management Act 2000

- 32. The proposed basement levels will impact on the groundwater levels within the site.
- 33. While the applicant has not nominated the application as an Integrated Development under Section 4.47 of the EP&A Act, a referral was sent to WaterNSW.
- 34. WaterNSW raised no objection to the application not being nominated as an Integrated Development and has recommended conditions requiring separate consent to be obtained under the Water Management Act 2000.
- 35. The recommended conditions are included in Attachment A.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. Chapter 4 of the Resilience and Hazards SEPP aims to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Site investigations have identified potential contamination sources as fill material, previous commercial land use, use of pesticides, and hazardous building materials in existing structures, with the following contaminants present on site:
 - heavy metals, total recoverable hydrocarbons, and polycyclic aromatic hydrocarbons in fill materials;
 - volatile organic compounds including trichloroethene and chloroform in soil vapour samples at concentrations that were considered unlikely to pose an unacceptable risk; and
 - low concentrations of 1,1-Dichloroethane in groundwater.
34. A Remediation Action Plan (RAP) accompanied by a letter of interim advice prepared by a NSW Accredited Site Auditor has been submitted with this DA in accordance with Condition (17) of the concept consent (D/2020/1224).
35. The RAP acknowledges that part of the site cannot be accessed at the time of assessment, and proposes that the following measures:
 - (a) a data gap investigation, with additional soil sampling and sub-slab soil vapour sampling, to be carried out following the removal of the existing basement floor slab of the heritage item to inspect for unexpected finds and confirm conditions are as anticipated;
 - (b) if required, prepare an addendum to the RAP for the Auditor's review and approval;
 - (c) implement the required remediation strategy and prepare a Validation Report documenting the remediation and to conclude on the suitability of the site for the proposed use for the Auditor's review and approval;
 - (d) while not currently anticipated by the RAP and the Site Auditor, a long-term management plan may be required if there are unexpected finds that cannot be appropriately remediated; and
 - (e) The Site Auditor will issue a Section A Site Audit Statement and accompanying Site Audit Report confirming the site's suitability for the proposed use, and if necessary, confirm the long-term management requirement.
36. The City's Environmental Health Unit has reviewed the information provided, and acknowledges that the Site Auditor considers the RAP to be practical, technically feasible and appropriate for the contamination identified, and that the site can be made suitable for the proposed use.

37. Appropriate conditions of consent to ensure compliance with the remediation measures outlined, and for the City to be notified should there be any changes to the strategy for remediation, are included in Attachment A.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

38. Chapter 3 of the Industry and Employment SEPP aims to ensure that outdoor advertising and signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
39. The proposed signage strategy has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.
40. In addition, the proposed signage strategy has also been considered against the provisions of the DCP and an amendment is recommended to achieve compliance with the relevant provisions to avoid visual clutter and minimise potential impacts to the heritage item. The recommended amendments are discussed further under Section 3.16 of the DCP.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage strategy is generally consistent with the character of the area, subject to conditions.
2. Special areas	Yes	Subject to the recommended amendments to delete signage type S8, the proposed signage strategy does not detract from the amenity or visual quality of the Sydney Square / Town Hall and St Andrews Special Character Area or the subject heritage item.
3. Views and vistas	Yes	The proposed signage zones do not obscure or compromise any important views. They do not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage zones, where supported, are of an appropriate scale, proportion and form and provides a positive contribution to the streetscape and setting of the area.

Provision	Compliance	Comment
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage zones are acceptable, and the indicative materiality is compatible with the finishes and colours of the proposed development. The final design and materiality of the signage are subject to a separate DA prior to installation as required by a recommended condition.
6. Associated devices and logos	N/A	Not applicable as detailed content of each sign is subject to a separate development application, which is required to be generally consistent with the proposed signage strategy, as required by conditions recommended in Attachment A.
7. Illumination	Yes	Conditions are recommended to ensure that the illumination of future signage does not result in unacceptable glare, affect safety or detract from the amenity of neighbouring developments, particularly any residential accommodations.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

41. Subject to the amendments recommended to address Section 3.16 of the DCP, the proposed signage strategy is consistent with the objectives of the Industry and Employment SEPP as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.
42. A condition is also recommended in Attachment A to require all future signage to be consistent with the approved signage strategy.

State Environmental Planning Policy (Sustainable Buildings) 2022

43. The Sustainable Buildings SEPP is not applicable as the subject DA benefits from the savings provisions under clause 4.2(1)(a) of the SEPP. This is because the subject DA was lodged prior to the commencement of the SEPP on 1 October 2023.
44. Notwithstanding, the proposed development satisfies the relevant ESD requirements as discussed against Section 3.6 of the DCP below.

State Environmental Planning Policy (Transport and Infrastructure) 2021

45. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

46. The proposed development will likely affect an electricity transmission or distribution network. Therefore, the application was referred to Ausgrid for comments.
47. Ausgrid have recommended conditions, which are included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 – Excavation in, above, below or adjacent to rail corridors

48. The proposed development is adjacent to the CBD Rail Link (Zone B). Therefore, the application was referred to TfNSW (Sydney Trains) for comment.
49. TfNSW (Sydney Trains) have recommended conditions which are included in Attachment A.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

50. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to Chapter 2 of the Biodiversity and Conservation SEPP.
51. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
52. The subject DA proposes the removal of the 2 existing street trees, being 2 London Planes, on Kent Street. The 2 street trees are not within of the curtilage of the heritage item contained on site, separately identified as heritage items, or located within a heritage conservation area.
53. Therefore, development consent can be granted for the removal of the 2 street trees. Please refer to the assessment against Section 3.5 of the DCP, and the separate report for the concurrent modification application for further details.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

54. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 10 of the Biodiversity and Conservation SEPP. Chapter 10 of the SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
55. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of Chapter 10 are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

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

Part 2 Preliminary

Provision	Compliance	Comment
1.8A Savings provisions relating to development applications	Yes	<p>Amendments made by the <i>Sydney Local Environmental Plan 2012 (Amendment No 64)</i> do not apply to the subject DA as it benefits from the savings provisions under Clause 1.8A(5)(b)(ii). This is because the subject DA is subsequent to, and made in reliance on, a concept consent in relation to the same development that was granted before the commencement of the amendments on 26 November 2021.</p> <p>Most relevant to the subject DA, the following are not applicable:</p> <ul style="list-style-type: none"> increase to the additional FSR available under Clause 6.4 for hotel or motel accommodation in 'Area 3' the updated requirements under Clause 6.16 for tall buildings in Central Sydney, including the minimum site area requirement the prohibition under Clause 6.18 requiring sun access protection to the future Town Hall Square.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as a 'mixed use development', comprising 'hotel accommodation' and 'food and drink premises', which are all permissible with consent in the zone, and is generally consistent with the zone objectives.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 80m is permitted.</p> <p>A compliant height of approximately 73.74m is proposed.</p>
4.4 Floor space ratio (FSR) 6.4 Accommodation Floor Space 6.21D Competitive design process	Yes	<p>A base FSR of 8:1 (6,488m²) is permitted under Clause 4.4, and an additional floor space of up to 3:1 (2,433m²) is available under Clause 6.4 for hotel and motel accommodation. Resulting in a maximum FSR of 11:1 (8,921m²).</p> <p>A compliant FSR of 10.2:1 (8,275m²) is proposed.</p> <p><i>Note: The proposed development is the winning scheme of a competitive design process and is considered to exhibit design excellence. As such, it is eligible for up to 10% additional floor space under Clause 6.21D(3)(b). However, it does not utilise any of this floor space type.</i></p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item listed as "Universal File Manufacturing Co" (I1834). It was established under the original concept application that the interior of the heritage building has been substantially modified and replaced. As such, the significance of the building is largely confined to its external form.</p> <p>While the proposed development will result in extensive works on site, the existing fabrics to be removed or altered are generally identified to have little to moderate significance. The design of the new tower addition also responds to, yet being appropriately distinctive from, the heritage item.</p>

Provision	Compliance	Comment
		<p>Overall, the proposed development will allow the original brick and steel construction, and the rectilinear form and scale of the heritage item to be retained and perceived. It will also provide interpretations of previous elements of the heritage building and carry out additional conservation works, including the removal of the 1990s granite cladding and the reinstatement of original facade elements and design.</p> <p>The proposed development is supported by the City's heritage specialist, and appropriate conditions are recommended to preserve and enhance the significance of the heritage item, including the development and implementation of a detailed schedule of conservation works and a heritage interpretation plan.</p>
5.21 Flood planning	Yes	<p>The subject site is located in the Darling Harbour catchment and is identified to be affected by the Probable Maximum Flood.</p> <p>A site-specific flood assessment report has been submitted and reviewed by the City's Water Asset Unit. The report is considered acceptable and demonstrates that the proposed development, as amended, can comply with the City's Interim Floodplain Management Policy. Conditions are recommended in Attachment A to ensure the implementation of that report.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
6.11 Allocation of heritage floor space (HFS)	Yes	<p>Subclause (1)(a) requires HFS be allocated to the site equal to 50% of the accommodation floor space utilised, and subclause (2)(a) allows this amount to be reduced by up to 50%, or 1,000m², whichever is the lesser, when the proposed development is the winner of a competitive design process carried out in accordance with the City's Competitive Design Policy.</p> <p>The proposed development utilises 1,787m² of accommodation floor space, which is the gross floor area above the base FSR of 8:1. As such, 893.5m² of HFS is required. A condition is included in Attachment A to require the HFS to be purchased and allocated.</p> <p><i>Note: As the proposed development is based on the winning scheme of a competitive design alternatives process instead of an architectural design competition, in accordance with the City's Competitive Design Policy, no further HFS reduction is available.</i></p>
6.16 Erection of tall buildings in Central Sydney	Yes	<p>While benefiting from the saving provisions under Clause 1.8A, the proposed development has been demonstrated to achieve the relevant wind comfort and safety standards to the surrounding public domain and allows acceptable movement of air to provide ventilation. It is not located within or near any of nominated views from public places and achieves acceptable level of outlook for the proposed development and neighbouring properties. It is considered respectful of the curtilage of the heritage building on site and the context of the Sydney Square / Town Hall and St Andrews Special Character Area as detailed in this report. The height of the building has also been amended to preserve sun access to public places and will maintain acceptable daylight access to the surrounding public domain.</p>

Provision	Compliance	Comment
6.17 Sun access planes	Yes	<p>The maximum building height of the site is also restricted by the Belmore Park Sun Access Plan.</p> <p>The proposed building height is substantially below the relevant sun access plane and complies.</p>
6.18 Overshadowing of certain public spaces	Yes	<p>The relevant places on the Sun Access Protection Map for the subject DA includes Sydney Town Hall Steps, Sydney Square, and the future Town Hall Square.</p> <p>While benefiting from the saving provisions under Clause 1.8A, the proposed development has been amended to avoid any additional overshadowing to Sydney Town Hall Steps, Sydney Square, and the future Town Hall Square as detailed in the 'Discussion' section below.</p>
6.21C Design excellence	Yes	<p>The proposed development, as amended, is based on the winning scheme of a competitive design process. It retains key aspects of the winning scheme, where possible, including clear and legible internal planning, the activation of the rooftop and Druiitt Lane, and the overall architectural expression of the winning scheme. It has also responded positively to the recommendations for improvements made by the competition jury (as detailed in the 'Discussion' section below), and by the City's Design Advisory Panel.</p> <p>The proposed development, as amended, is generally consistent with the conditions of the concept consent and the relevant planning controls. The built form is considered compatible with the character of the locality and provides an appropriate relationship with the retained heritage buildings and neighbouring buildings along the western side of Kent Street. The overall materiality, articulation, architectural expression and landscape integration</p>

Provision	Compliance	Comment
		<p>are also considered to be of a high standard.</p> <p>The proposed development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. It will also have a positive contribution to the public domain, through improved street frontages and public domain upgrades, being the conversion of Drutt Lane into a shared zone.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
<p>Division 1 Car parking ancillary to other development</p> <p>7.9 Other land uses</p>	Yes	<p>A maximum of 54 car parking spaces are permitted.</p> <p>No car parking spaces are proposed and comply with the development standard.</p>
7.13 Contribution of the purposes of affordable housing	Yes	The proposed development is subject to affordable housing contribution. See 'Financial contributions' section below.
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with class 5 Acid Sulfate Soils, and the proposed development involves works within 500m of adjacent Class 2 land.</p> <p>An Acid Sulfate Soils Assessment has been completed to conclude that, based on hydrological and geological conditions, the proposed development has low potential to disturb Acid Sulfate Soils. Therefore, the preparation of a management plan is not necessary.</p> <p>At the recommendation of the City's Environmental Health Unit, a precautionary condition is included in Attachment A to ensure the applicant notify the City of any unexpected finds.</p>

Provision	Compliance	Comment
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface of 156m AHD as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The site is subject to a concept consent, which satisfies this requirement pursuant to Section 4.23 of the EP&A Act.
7.24 Development near Cross City Tunnel ventilation stack	Yes	The site is located within 'Land affected by Cross City Tunnel Ventilation Stack'. A Ventilation Stack Air Quality Assessment was submitted under the original concept application, which concluded that the proposed development would not affect the dispersion of emissions from the Cross City Tunnel ventilation stack and persons occupying the proposed development will not be unduly affected by those emissions.
7.33 Sustainability requirements for certain large commercial development	N/A	This is not applicable as the subject DA was made before 1 October 2023.

Development Control Plans

Sydney Development Control Plan 2012

57. An assessment of the proposed development against the relevant provisions within the DCP is provided in the following sections.

Section 2 – Locality Statements

58. The site is located within the Sydney Square / Town Hall and St Andrews Special Character Area. The proposed development is in keeping with the unique character and the design principles of the special character area in that:

- (a) it protects solar access to Sydney Square, Town Hall steps, and the future Town Hall Square; and
- (b) it maintains the existing street frontage height established by the heritage item and provides an upper-level setback that responds to the form of other existing taller buildings along the western side of Kent Street within the adjoining street blocks;

Section 3 – General Provisions

Provision	Compliance	Comment
3.1.1 Streets, Lanes and Footpaths	Yes	<p>The proposed development will provide a separate lower ground level entry on Druitt Lane, and an outdoor terrace on the ground floor to activate the lane and improve passive surveillance.</p> <p>A concept design has also been submitted for the conversion of Druitt Lane into a shared zone, connecting to the existing continuous footpath on Kent Street and the future continuous footpath on Sussex Street, to improve pedestrian access and safety.</p> <p>The concept design has been reviewed, and is considered acceptable, by the City's Public Domain Unit, Access and Transport Unit, and Traffic Operations Unit. The City's Traffic Operations Unit has also obtained in principle agreement from TfNSW. Therefore, conditions are recommended in Attachment A to require the detailed design and implementation of the shared zone.</p>
3.1.4 Public Open Space	Yes	The proposed development has been amended to preserve solar access to the future Town Hall Square. It will also preserve solar access to Sydney Town Hall Steps and Sydney Square.
3.1.5 Public Art	Yes	A preliminary public art plan has been reviewed by the City's Public Art Unit and is supported. A condition is recommended requiring a detailed public art plan to be submitted for approval, and the installation of public art to the City's satisfaction.
3.2.1 Improving the Public Domain 3.2.2 Addressing the street and public domain	Yes	The proposed development will not result in additional overshadowing to Sydney Square or the future Town Hall Square between 9am and 3pm in mid-winter or impede any significant views from the public domain to any public places, parks, heritage buildings or monuments.

Provision	Compliance	Comment
		The proposed development will improve the site's address to DrUITT Lane, while maintaining the existing address to Kent Street and managing the flood risks of the site.
3.2.7 Reflectivity	Yes, subject to condition	A condition is recommended in Attachment A to ensure that light reflectivity from the building facades will not exceed 20%.
3.2.8 External Lighting	Yes, subject to condition	<p>While a lighting illumination report is submitted with the application, no external lighting is detailed as part of the proposed development beyond generalised references in the application documentation.</p> <p>A condition is recommended in Attachment A to require the lodgement of a separate application for any external floodlighting or illumination of the building or site landscaping.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The proposed development has been the subject of a competitive design process. The proposal has satisfactorily addressed the recommendations made by the Competition Jury.</p> <p>Refer to 'Discussion' section for details.</p>
3.5 Urban Ecology	Yes	<p>The proposed development includes the removal of 2 London Plane street trees located on the site's Kent Street frontage. The removal is considered to be necessary to facilitate the establishment of hoarding, scaffolding and a construction work zone on Kent Street, and the construction of the proposed development. This is detailed in the separate report for the concurrent modification application (D/2020/1224/A).</p> <p>Conditions are recommended to allow the removal of the 2 trees, and to require 2 replacement street trees to be provided as part of the required public domain works.</p>

Provision	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	<p>A ESD report has been submitted to demonstrate that the proposed development can achieve a NABERS energy and water ratings of 4.5 stars and 3 stars respectively and achieve a 4 stars Green Star rating under the Buildings v1 tool. The energy targets are consistent with the requirements of the concept consent and the brief for the design competitive process, while the water target exceeds the minimum require of NABERS 2 stars.</p> <p>Appropriate conditions are recommended in Attachment A to ensure the ESD requirements are carried through the certification, construction and operational phases of the development.</p>
3.7 Water and Flood Management	Yes	As discussed against Section 5.21 of the LEP above, appropriate conditions are recommended to manage flood risks of the site.
3.9 Heritage	Yes	As discussed against Section 5.10 of the LEP above, the proposed development will preserve the heritage significance of the heritage item.
<p>3.11 Transport and Parking</p> <p>The proposed development is generally compliant with the relevant objectives and provisions of this section. The configuration of the basement parking and waste management facilities has been reviewed by the City's Access and Transport Unit, and Cleansing and Waste Unit, and is considered satisfactory as detailed below.</p>		
3.11.1 Managing transport demand	Yes	<p>The application is supported by a Transport Impact Assessment, which has been reviewed by the City's Access and Transport Unit and Traffic Operations Unit and is considered acceptable.</p> <p>Conditions are also recommended in Attachment A to require the development of a Transport Access Guide prior to the occupation of the development to encourage the use of alternative transport modes.</p>

Provision	Compliance	Comment
3.11.3 Bike Parking and Associated Facilities	Yes	<p>The proposed development includes 25 bicycle parking spaces, 20 personal lockers, and 2 showers with change areas. These complies with the minimum requirements.</p> <p>A condition is recommended in Attachment A to ensure the delivery of these facilities.</p>
3.11.8 Bus Parking	Yes	<p>A coach parking management plan has been submitted to identify opportunities to utilise existing kerb-side parking in the vicinity of the subject site and opportunities to modify the restriction on Kent Street along the site's frontage to create a 5-minute drop-off/pick-up zone outside of peak traffic (between 10.00am and 3.00pm). The management plan has been reviewed, and is considered generally acceptable, by the City's Access and Transport Unit and Traffic Operations Unit.</p> <p>Changes to kerb-side parking restrictions need to be approved by the City's Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC).</p> <p>A condition is recommended in Attachment A to require the separate approval to be obtained, and a final management plan (to reflect the final kerb-side parking restrictions) to be approved by the City prior to the commencement of use and its implementation.</p>
3.12 Accessible Design	Yes	<p>The subject DA is accompanied with an accessibility report confirming the proposed development is capable of complying with the accessibility requirements of the NCC and DDA standards.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The subject DA is accompanied by a CPTED Report that concludes the proposed development is in accordance with the CPTED principles.</p>

Provision	Compliance	Comment
3.14 Waste	Yes	<p>Adequate waste management facilities have been provided within the basement of the proposed development to allow waste collection to occur within the site.</p> <p>Appropriate conditions are recommended in Attachment A to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Yes	<p>The site is located in the Late Night Management Area.</p> <p>The hotel use is a Category C premises. The proposed hours of 24 hours per day, 7 days per week, are consistent with the 'base hours' recommended by this section of the DCP, and no trial period is required.</p> <p>The lower ground and ground floor restaurant and bar with a maximum capacity of 430 patrons (including maximum 20 patrons in the ground floor courtyard), is a Category B premises. The proposed indoor hours of 6.00am - 11.00pm, are consistent with the recommended 'base hours', and no trial period is required. The proposed outdoor hours of the ground floor courtyard of 6.00am - 11.00pm, are consistent with the recommended 'extended hours'. The hours before 7.00am and after 10.00pm will be subject to a 1-year trial period.</p> <p>The proposed rooftop bar with a maximum capacity of 127 patrons is a Category A premises. The proposed indoor hours of 12.00 midday - 12.00 midnight; and the proposed outdoor hours of 12.00 midday - 10.00pm, are consistent with the recommended 'base hours', and no trial period is required. A condition is recommended to require the capacity of the rooftop bar to be reduced from 10.00pm onwards, to ensure the compliance with relevant noise criteria.</p>

Provision	Compliance	Comment
3.16 Signage and Advertising	Yes, subject to conditions	<p>The proposed development does not seek consent for the detailed design and installation of any signage. However, it includes a signage strategy, which is provided in Attachment B3.</p> <p>The proposed signage zones, including the indicative top of building sign, are generally in accordance with this section of the DCP, subject to the following amendment:</p> <ul style="list-style-type: none"> signage type S8 to be deleted as it contributes to unnecessary visual cluttering on the heritage item's Kent Street facade around the hotel's main entrance, considering that the content of S8, being hotel operator ID, would be substantially similar to that of S1 Entry Building ID (above the main entrance) and S2 Entry Branded ID (on the other side of the main entrance). <p>Conditions are recommended in Attachment A to require the following:</p> <ul style="list-style-type: none"> the strategy to be amended to delete signage type S8; all future signage to be consistent with the amended signage strategy; and the installation of each sign is subject to further development consent, as the signage strategy only identifies the general location and size for each signage type.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height 4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The new tower additional provides a minimum 3m floor to floor height, which can accommodate acceptable floor to ceiling heights for hotel rooms.

Provision	Compliance	Comment
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The proposed development will maintain a minimum 2 hours of direct sunlight between 9am and 3pm in mid-winter to the balconies of the eastern residential apartments of 60 Bathurst Street, adjoining the site to the west. It will also maintain the same level of solar access to the 'glass enclosed projections' of the commercial building at 503-505 Kent Street, adjoining to the south, between 9am and 3pm in mid-winter
4.2.3.3 Internal common areas	Yes	The internal hotel corridors within the new tower addition are provided with windows on both ends, allowing access to natural light and ventilation.
4.2.3.4 Design features to manage solar access	Yes	The north elevation of the tower addition has been designed to achieve passive shading by recessing the glazing line approximately 700mm behind the external edge of the facade. The energy consumption impacts of the facade design has been quantified to confirm an equivalent outcome to the competition winning scheme.
4.2.3.5 Landscaping	Yes	The landscape design has been reviewed by the City's Landscape Specialist, and is considered acceptable subject to conditions recommended in Attachment A.
4.2.3.9 Ventilation	Yes	The hotel rooms within the new additions, including the tower, are provided with operable windows to access natural ventilation.
4.2.3.10 Outlook	Yes	A tapered western setback was approved as a better alternative to the 6m setback required by Section 5.1.2.2 of the DCP applicable at the time the concept consent was granted. This was to improve outlook to the eastern residential apartments of 60 Bathurst Street.

Provision	Compliance	Comment
		The proposed development complies with that tapered setback and would not result in any additional outlook impacts compared to the concept consent.
4.2.3.11 Acoustic Privacy	Yes	<p>An acoustic report has been provided to establish the parameters for the proposed development, in terms of patron capacities, use of amplified music, and the selection and use of mechanical plants etc. This is to ensure the proposed development can comply with the relevant acoustic criteria to protect the amenity of neighbouring properties, particularly the residential development to the west.</p> <p>The acoustic report has been reviewed, and is considered acceptable, by the City's Environmental Health Unit. Conditions are recommended in Attachment A to ensure the recommendations of the acoustic report are implemented, and to require an acoustic verification report to confirm compliance with the relevant acoustic criteria prior to the commencement of use.</p> <p>The relevant noise management measures are also included in the operational management plan, including the requirement for the doors to the rooftop bar to be closed after 10.00pm and the patron capacity reduced.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	The retention of the existing heritage building, and the narrowness of the site, ensures the proposed development will maintain the existing fine-grain built form and varied architectural character along Kent Street.
4.2.7 Heating and cooling infrastructure	Yes	The proposed heating and cooling infrastructure are consolidated within centralised locations, achieving energy efficiency outcomes consistent with the ESD targets and allowing for accommodation of future technologies.

4.4 Other Development Types and Uses

4.4.8 Visitor accommodation

Provision	Compliance	Comment
4.4.8.1 General	Yes	<p>A Plan of Management and acoustic assessment have been submitted with the application.</p> <p>The POM outlines that the hotel will operate 24/7 with on-site personnel and all hotel entries, common areas lobby and loading area monitored by CCTV.</p> <p>The hotel rooms does not include triple-tier bunks or cooking facilities, and toilet and shower facilities are partitioned off within each room.</p>
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes	<p>Each room has minimum size of 20m², exceeding the minimum requirement, and is provided with an operable window for natural ventilation. The upper-level corridors are also provided with windows on both ends for natural cross ventilation and access to natural light.</p> <p>The POM identifies that the maximum permitted length of stay is three months. Where accommodation is provided for more than 28 consecutive days, no more than two adults and one child is permitted. The rooms are capable of accommodating two persons staying a maximum of three months.</p>

Section 5 – Specific Areas

Section 5.1 Central Sydney

59. The concept consent (D/2020/1224) was granted prior to the adoption of the current objectives and provisions in Section 5.1 of the DCP.
60. Unlike the savings provisions set out in Clause 1.8A of the LEP, no such savings or transitional provisions have been provided within the DCP for DAs relying on a concept approval granted before the commencement of the amendments to Section 5.1.
61. In accordance with Section 4.24 of the EP&A Act, the subject DA cannot be inconsistent with the concept consent. Therefore, the proposed development has been assessed on the basis of the current controls but with a degree of flexibility considering the specific and individual circumstances of the site and the interaction between the proposed development and the concept consent.

62. The flexibility has been applied because the proposal has been assessed as generally consistent with the objectives of the relevant provisions of Section 5.1 of the DCP, which governs development proposals within Central Sydney.

Provision	Compliance	Comment
5.1.1.2 Street frontage height and street setbacks in Special Character Areas	Yes	<p>The site is within the Sydney Square / Town Hall and St Andrews Special Character Area.</p> <p>The proposed development will retain the existing heritage item as the podium and set back the new tower addition. This is consistent with the maximum street frontage height for the site, which is the height of the existing heritage building.</p> <p>The proposed 6m upper-level setback is consistent with the amended concept envelope. As discussed in the separate report for the concurrent modification application, that setback is considered acceptable in the context of the site and is consistent with the objectives of this section of the DCP.</p>
5.1.1.3 Side and rear setbacks and building form separations	Yes	<p>The proposed 5.7m upper-level setback to the centre line of Druitt Lane is consistent with the amended concept envelope. As discussed in the separate report for the concurrent modification application, that setback is consistent with the objectives of this section of the DCP and maintains an acceptable relationship with the heritage building.</p> <p>The proposed tower addition is also consistent with the tapered western (rear) setback, which was approved to improve solar access and outlook to the eastern residential apartments of the adjoining 60 Bathurst Street.</p>
5.1.1.4 Built form massing, tapering and maximum dimensions	Yes	<p>The proposed tower addition does not exceed 100m in horizontal dimension, and the occupation of 100% of the site area, less relevant setbacks, is consistent with the provisions.</p>

Provision	Compliance	Comment
5.1.2 development outlook and demonstrating amenity compliance	Yes	The proposed development is compliant with the tapered western setback of the concept envelope. As detailed in the 'Discussion' section below, the proposed development will result in improved or comparable outcomes for the eastern residential apartments of 60 Bathurst Street.
5.1.3 Heritage items, warehouses and special character areas	Yes	<p>The interior of the heritage building has been substantially modified and replaced. As such, the heritage significance of the building is largely confined to the external form.</p> <p>As discussed against Section 5.10 of the LEP above, the proposed development is considered acceptable.</p> <p>The extent of additional demolition is also discussed in detail in the separate report for the concurrent modification application.</p>
5.1.4 Building exteriors	Yes	The existing heritage building, which forms the podium, will maintain a masonry presentation to the street; while the new tower addition will use materials that are predominantly light in colour to better reflect light into the streets. The new tower's facades are well articulated, and public art is proposed to be integrated into the north elevation.
5.1.6 Heritage floor space	Yes	<p>The proposed development relies on additional floor space. Therefore, heritage floor space is required to be allocated to the site.</p> <p>Appropriate conditions are recommended in Attachment A.</p>
5.1.7 Sun protection of public parks and places	Yes	The amended proposed development will preserve solar access to the future Town Hall Square between midday and sunset, throughout the year. This has been verified by the City's Model Unit.
5.1.8 Views from public places	N/A	The subject site is not located within or near any of the views nominated on the Public Views Protection Maps.

Provision	Compliance	Comment
5.1.9 Managing wind impacts	Yes	<p>A quantitative wind effects report based on the amended proposed development has been submitted.</p> <p>The wind report demonstrates that the relevant wind comfort and safety standards can be achieved for different areas of the proposed development and the surrounding public domain.</p>

Discussion

Consistency with Concept Consent (D/2020/1224)

63. On 25 March 2021, concept consent was granted by the CSPC for a concept envelope for the redevelopment of the site, comprising a podium and tower containing an indicative hotel with food and drink premises.
64. Pursuant to Section 4.24 of the EP&A Act, the determination of any subsequent detailed design DA cannot be inconsistent with the concept consent.
65. Subject to the approval of the concurrent modification application (D/2020/1224/A), the proposed detailed design sought under the subject application is consistent with the concept consent.
66. The concept consent includes a number of conditions. An assessment of compliance with these conditions, which specifically required details to be addressed as part of the detailed design application, is provided in the table below.

Condition.	Assessment
(4) Building Height	The proposed development is compliant with the maximum 80m height and will preserve solar access to the future Town Hall Square in accordance with Clause 6.18 of the LEP.
(5) Floor Space Ratio	<p>A gross floor area calculation plan has been submitted with the subject application as required by this condition. It demonstrates that the proposed development has a compliant FSR that does not exceed the maximum FSR of 11:1 permitted by Clauses 4.4 and 6.4 of the LEP.</p> <p>Any floor area above the base FSR of 8:1 requires HFS to be purchased and allocated. An appropriate condition is recommended in Attachment A for heritage floor space allocation.</p>

Condition.	Assessment
	<p><i>Note: While the proposed development is eligible for up to 10% additional design excellence floor space as per Clause 6.21D(3)(b) of the LEP, the subject proposal does not utilise it.</i></p>
(6) Compliance with Concept Envelope Heights and Setbacks	<p>The proposed development complies with the building heights and setbacks established under the concept consent, subject to the concurrent modification application, which is recommended for approval by the CSPC. Refer to the detailed assessment in the separate report for the concurrent modification application.</p>
(7) Detailed Design to be Contained Within Approved Envelope	<p>The proposed development is contained within the approved concept envelope, subject to the concurrent modification application, which is recommended for approval by the CSPC.</p>
(8) Competitive Design Process	<p>A competitive design alternatives process has been undertaken in accordance with the approved design excellence strategy prior to the lodgement of the subject DA.</p> <p>The proposed development is based on the winning scheme by SJB, and is considered to exhibit design excellence, satisfying Clause 6.21C of the LEP.</p>
(9) Detailed Design of Buildings	<p>The brief for the competitive design process was prepared in accordance with the requirements of this condition. The proposed development is also consistent with the requirements of the condition as follows:</p> <ul style="list-style-type: none"> • The eastern and southern elevations that adjoins 503-505 Kent Street comprises materials that is visually interesting and of high quality. • The materiality of the proposed tower addition response to, and appropriately contrasts with the retained heritage building, which forms the podium.

Condition.	Assessment
	<ul style="list-style-type: none"> • The proposed development will avoid any additional overshadowing to the future Town Hall Square. Compared to the approved concept envelope, the proposed development will further reduce overshadowing impacts to the eastern apartments on the top 4 storeys of the adjoining residential development to the west at 60 Bathurst Street. • All plant and lift overruns have been fully incorporated into the roof form of the building.
(10) Ecologically Sustainable Development	<p>An ESD strategy has been submitted with the subject application in accordance with the requirements of the condition.</p> <p>The ESD strategy has been reviewed by the City's Environmental Projects unit and found to be generally acceptable subjects to the conditions included an Attachment A.</p>
(11) Public Art	<p>A Preliminary Public Art Plan has been submitted with the subject application. The Preliminary Public Art Plan has been reviewed, and is considered acceptable, by the City's Public Art Unit.</p> <p>Appropriate conditions are included in Attachment A to require a Detailed Public Art Plan to be developed prior to the commencement of above ground works as required by this condition, and to require the installation of public art prior to the occupation of the development.</p>
(12) Heritage Conditions	<p>The proposed extent of demolition is consistent with the requirements of Condition (12)(a), and a heritage interpretation plan and an archaeological assessment report have also been provided as required by this condition. A hydraulic booster is accommodated within the Druitt Lane facade, where fabric of little significance can be removed to accommodate it. Appropriate conditions are included in Attachment A to require other relevant documentation to be submitted and approved by the City.</p>
(13) Hotel Use	<p>Appropriate documentation has been submitted with the subject application as required by this condition to inform on the design and operations of the proposed hotel as per Section 4.4.8 of the DCP.</p>

Condition.	Assessment
(14) Signage Strategy	<p>A signage strategy has been submitted with the subject application as required by this condition. The proposed signage zones and indicative design and content are generally acceptable, subject to an amendment required by a condition recommended in Attachment A.</p> <p>Other conditions are also recommended in Attachment A to ensure future signage are in accordance with the signage strategy, and that separate consent is sought prior to the installation of the signage.</p>
(15) Reflectivity	<p>A reflectivity report has been submitted with the subject application as required by this condition.</p> <p>A condition is also recommended in Attachment A to ensure its recommendations are carried through to the certification and construction phases of the development.</p>
(16) External lighting	<p>No external lighting is detailed as part of the proposed development beyond generalised references in the application documentation. A condition is recommended in Attachment A to require the lodgement of a separate application.</p>
(17) Land Contamination	<p>A detailed site investigation report has been submitted with the subject application as required by this condition.</p> <p>Relevant conditions relating to contamination, as recommended by the City's Environmental Health Unit, are included in Attachment A.</p>
(18) Access and Facilities for Persons with Disabilities	<p>An accessibility report has been submitted with the subject application as required by this condition.</p> <p>Conditions are also included in Attachment A to ensure its recommendations are carried through to the certification, construction, and operational phases of the development.</p>
(19) Crime Prevention Through Environmental Design (CPTED)	<p>A CPTED report has been submitted with the subject application as required by this condition.</p> <p>Conditions relating to security considerations are recommended in Attachment A</p>

Condition.	Assessment
(20) Street Trees	<p>The removal of 2 London Plane street streets is considered acceptable as detailed in the separate report for the concurrent modification application.</p> <p>Appropriate conditions are recommended in Attachment A to allow the removal of 2 street trees and to require replacement plantings to be completed prior to the issue of any occupation certificate.</p>
(21) Car Parking Design	<p>No car parking is proposed as part of this Detailed Design DA. Therefore, this condition is no longer relevant.</p>
(22) Bicycle Parking and End of Journey Facilities	<p>Adequate bicycle parking and end of journey facilities have been proposed to satisfy the requirement of Section 3.11.3 of the DCP. A condition is recommended in Attachment A to require the quantum and quality of these facilities to be carried through to the certification, construction, and operational phases of the development.</p>
(23) Bus/Coach Parking Management Plan	<p>A coach parking management plan has been submitted with the subject application as required by this condition. The management plan has been reviewed, and is considered generally acceptable, by the City's Access and Transport Unit.</p> <p>A condition is recommended in Attachment A to require a final management plan to be approved by the City prior to the occupation of the development, and the approved management plan to be implemented.</p>
(24) Changes to Kerb Side Car Parking Restrictions	<p>Changes to kerb side parking restrictions need to be approved by the LPCTCC. The proposed changes to facilitate a time-limited drop-off/pick-up zone in front of the site is considered generally acceptable.</p> <p>A condition is recommended to require a separate application to seek consent from the LPCTCC for the proposed changes.</p>
(25) Construction Pedestrian and Traffic Management Plan (CPTMP)	<p>A draft CPTMP plan has been submitted with the subject application as required by this condition.</p> <p>A condition is recommended in Attachment A to require a final CPTMP to be approved by the City prior to the issue of any construction certificate.</p>

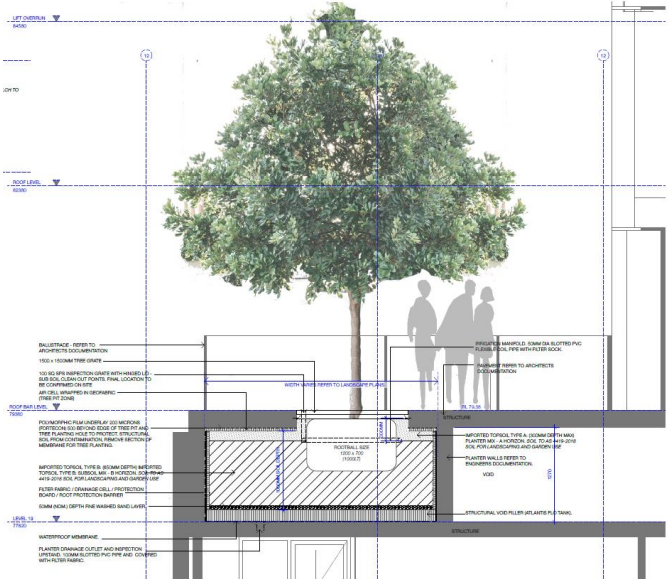
Condition.	Assessment
(26) On Site Loading Areas and Operation	The subject application has demonstrated that all loading and unloading associated with the hotel use will be accommodated within the site.
(27) Vehicle Access	The proposed development includes a single driveway off Druitt Lane, with an internal turntable that will enable all vehicles to enter and exit the site in a forward direction as required by this condition.
(28) Service Vehicle Limit	<p>Swept path diagrams have been submitted with the subject application as required by this condition.</p> <p>The City's Access and Transport Unit have advised that the diagrams are acceptable and an appropriate condition regulating the maximum service vehicle size is included in Attachment A</p>
(29) Loading Dock Management Plan	<p>A preliminary loading dock management plan has been submitted with the subject application as required by this condition. The management plan has been reviewed, and is considered generally acceptable, by the City's Access and Transport Unit.</p> <p>A condition is recommended in Attachment A to require a final management plan to be approved by the City prior to the occupation of the development, and the approved management plan to be implemented.</p>
(30) Levels and Gradients	Appropriate conditions are recommended in Attachment A to require public domain levels and gradients to be approved by the City's Public Domain Unit prior to the issue of any construction certificate.
(31) Public Domain Concept Plan	<p>A public domain concept plan has been submitted with the subject application as required by this condition.</p> <p>The concept plan includes a proposal to convert the full length of Druitt Lane into a shared zone as required by this condition. The shared zone proposal is considered acceptable by the City's Public Domain Unit, Access and Transport Unit, and Traffic Operations Unit, and received in principle agreement from TfNSW. Appropriate conditions are recommended in Attachment A to require detailed public domain plans to be submitted, and for the implementation of the required public domain upgrades.</p>

Condition.	Assessment
(32) Waste Management Plan and Waste Facilities	<p>Waste management plans having submitted with the subject application as required by this condition.</p> <p>The detailed design also demonstrates the provision of adequate waste storage and collection facilities.</p> <p>A range of waste management conditions are recommended in Attachment A to ensure waste is managed on site in accordance with the DCP and the City's Guidelines for Waste Management in New Development 2018.</p>
(32) TfNSW - Protection of the CBD Rail Link	<p>The required documentation have been submitted with the subject application as required by this condition.</p> <p>The subject application has been referred to the TfNSW (Sydney Trains), who have raised no objections to the proposed development and the conditions recommended by TfNSW (Sydney Trains) are included in Attachment A.</p>

Design Competition Jury Recommendations

- 67. A competitive design alternatives process was held, with four architectural firms invited to submit a design proposal.
- 68. The competition jury selected the proposal presented by SJB as the winning scheme. In the opinion of the competition jury, the SJB scheme was most capable of achieving design excellence, subject to the retention of key aspects of the winning scheme and improvements on a number of aspects.
- 69. The proposed development has been reviewed by the City's Design Advisory Panel, and is considered to have retained key aspects of the winning scheme where appropriate and responded positively to the key recommendations made by the competition jury as detailed in the table below.

Recommendations	Comment
The design of the interior stairwell within the heritage building is developed to allow greater access to air and light and greater visibility through to the garden.	Following design development in consultation with the landscape architect, the south-eastern courtyard of the winning scheme is considered to be unfeasible, given the lack of maintenance access, and the heights of existing and potential new buildings adjoining the site severely limits opportunity for solar access.
Pursue every opportunity to ensure light can reach the south-eastern courtyard.	Instead, the stairwell within the heritage building has been extended to the lower ground floor to remove the need for additional internal stairs and has further developed into include a sculptural roof with an

Recommendations	Comment
	<p>'upward' view. The stairwell is developed as part of the heritage interpretation strategy for the previous stair and lightwell of the heritage building. A daylight analysis report has also been submitted to demonstrate sufficient access to natural light.</p> <p>The above design development is considered acceptable by the City's Design Advisory Panel as the south-eastern courtyard is not considered a determinative factor for the winning scheme and the proposed development remains capable of achieving design excellence.</p>
<p>The landscaping scheme including the heritage podium requires further development and greater resolution to achieve a more sophisticated and site responsive design. The palms on the rooftops are questioned in terms of wind resistance and visual dominance.</p>	<p>The landscape design has been developed together with the landscape architect, Black Beetle. The podium landscaping will provide individual outdoor spaces for the hotel rooms, while extensive planting behind the Kent Street parapet will provide additional landscape opportunities for the site and visibility of landscaping to the public domain. Tuckeroos are proposed on the rooftops, including two (2) to the west of the rooftop bar to provide shade. These trees will be planted below the finished floor level, with soil volume accommodated between the structural slabs as shown in Figure 29 below. A wind impact study has also been provided to demonstrate that all trees are located where wind comfort standard for standing can be achieved.</p>  <p>Figure 29: Section of the proposed western planter</p>

Recommendations	Comment
<p>The intent of the façade to give life and animation to the building will need careful resolution to ensure the building sits politely within its context. Further refinement and research are required to inform the final design of the facade. The Panel supports the warmer and more recessive colour palette and recommend it is pursued in the final scheme and believes the design should be more subtle and restrained than as shown in the drawings.</p>	<p>Concrete is maintained as the predominant material for the facade of the new tower, with window frames and louvres in off-white, to provide a muted backdrop. This is to support a key aspect of the winning scheme, which is to have decorative elements on the north elevation. While the decorative elements are currently shown as brass, the exact finishes will be developed with the selected artist for the public art, in accordance with the preliminary public art plan recommended for approval. As illustrated in the proposed photomontage in Figure 11 above, the proposed tower will achieve a subtle and restrained presentation.</p>
<p>The louvre panels on the Kent Street facade are reconsidered to achieve greater integration into the design of the tower.</p>	<p>Separate to the above, the material and finishes of the retained heritage building has been developed in consultation with the heritage consultant. The original datum of the lower ground floor will be reinstated, with sandstone coloured render, as well as steel framed windows.</p>

Sun Access Protection to Future Town Hall Square

- 70. As detailed in the separate report for the concurrent modification application, the originally approved concept envelope reflected the maximum 80 metre height plane, and was never amended to reflect the requirement of Condition (4)(a) of the concept consent to preserve sun access to the future Town Hall Square.
- 71. The original proposed development, and the preceding competition winning scheme, were prepared in accordance with the approved concept envelope, unaware of the need to amend the concept envelope.
- 72. As part of this subject application, the project architect has carried out detailed solar analyses to establish a site-specific sun access plane. That sun access plan is shown in red in Figure 30 below, and the image on the left illustrates that the original proposed development exceeded that sun access plan by up to four storeys.
- 73. As a result, the subject application and the concurrent modification application were modified to comply with the site-specific sun access plane and the condition of consent.
- 74. The amended concept envelope will be entirely below the site-specific sun access plane as shown in the image on the right in Figure 30 below. The concept envelope is recommended for approval as part of the concurrent modification application.

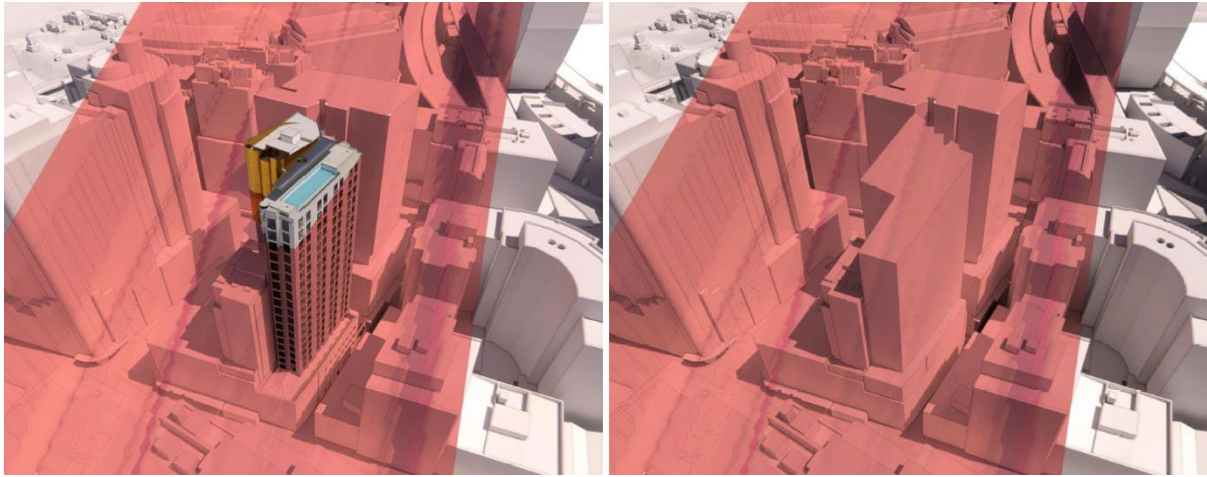


Figure 30: Site-specific sun access plane overlaying the proposed development (left) and the amended concept envelope (right)

75. The proposed development has also been amended to be contained wholly within the amended concept envelope, as shown in Figure 31 below. As such, it will entirely preserve sun access to the future Town Hall Square, satisfying the requirements of Condition (4)(a) of the concept consent, and Clause 6.18 of the LEP.

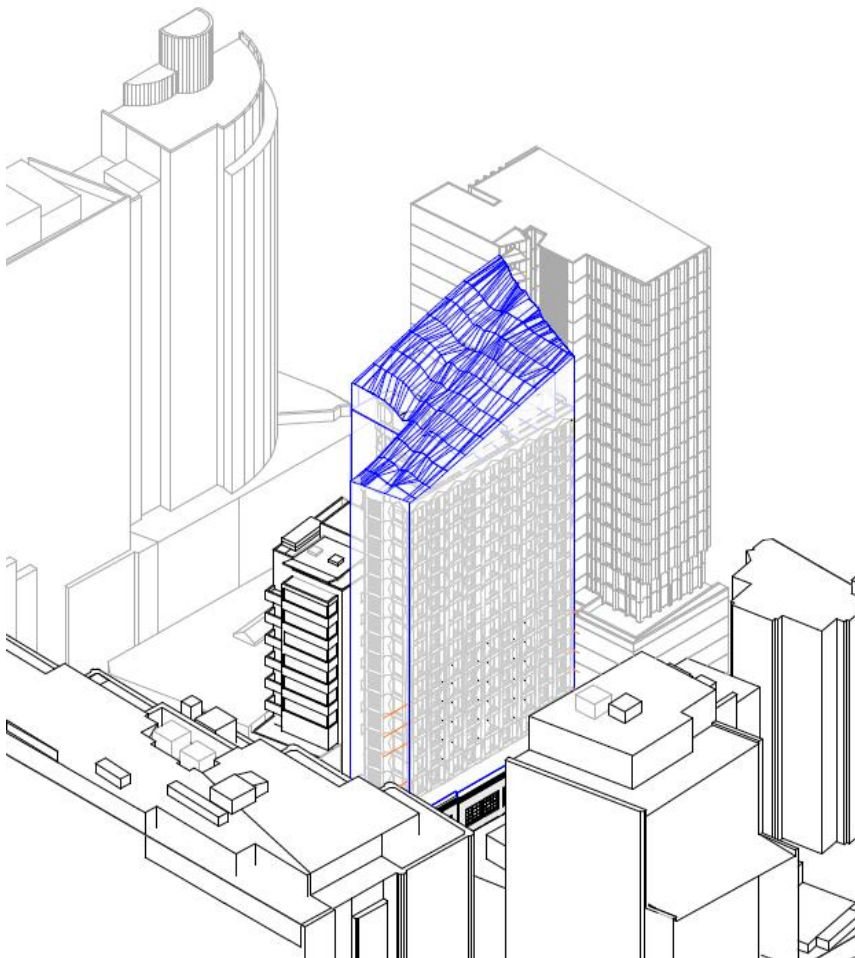


Figure 31: Envelope compliance diagram

Setbacks to Kent Street and Druitt Lane

76. Associated with the proposed reduction in the overall envelope height, the originally approved concept envelope 8 metre setback to Kent Street is proposed to be reduced by 2 metres while the 6 metre setback to the centre line of Druitt Lane is proposed to be reduced by 700 millimetre. These reductions are to enable the redistribution of floor space to support a feasible development scheme.

Kent Street Setback

77. A reduced 6 metre setback to Kent Street is considered acceptable in the context of the site and consistent with the objectives of Section 5.1.1.1 of the DCP as detailed in the separate report for the concurrent modification application report.
78. The proposed development adopts the 6m setback, and reinforces that the setback is appropriate in the site's context and consistent with the objectives of Section 5.1.1.1 of the DCP, considering:
- (a) the proposed tower will maintain a stepped relationship with the adjoining tower at 503-505 Kent Street as shown in Figure 11 above;
 - (b) the proposed tower will maintain long views of open sky, and maintain adequate daylight access and a sense of openness to Kent Street;
 - (c) the proposed development will achieve the relevant wind comfort and safety criteria within the site and the surrounding public domain, both on Kent Street and Druitt Lane, as demonstrated by a wind impact assessment (which includes wind tunnel testing);
 - (d) the proposed tower will not overwhelm the heritage building, allowing its original scale, form and architectural character to be clearly perceivable; and
 - (e) the proposed tower will ensure the heritage building remains visually prominent when viewed from the street.

Druitt Lane Setback

79. A reduced 5.3 metre setback to Druitt Lane is also considered acceptable for reasons detailed in the separate report for the concurrent modification application report.
80. The proposed development adopts the 5.3 metre setback, and reinforces that the setback is appropriate for the site and the retained heritage item, considering:
- (a) the reduced setback will not result in a perceivable difference in the overall built form of the new tower;
 - (b) the proposed tower will remain visually distinctive from the heritage building;
 - (c) the glazing line on the north elevation is still set back 6 metre from the centre line of Druitt Lane, ensuring adequate separation from the neighbouring site to the north to not prejudice their future development,
 - (d) the 700 millimetre reduction is only relied upon to accommodate deep reveals in the facade to achieve passive shading in summer and allow solar access in winter; and

- (e) the tower will not result in additional amenity impacts to the adjoining residential development at 60 Bathurst Street, as discussed below.

Amenity Impacts to 60 Bathurst Street

Solar Access

81. As detailed in the separate report for the concurrent modification application, the amended concept envelope will maintain 2 hours of direct sunlight and an acceptable level of outlook to the eastern residential apartments of the adjoining 60 Bathurst Street.
82. The proposed development, being contained wholly within the amended concept envelope, will maintain over 2 hours of direct sunlight in mid-winter to the eastern apartments of the adjoining 60 Bathurst Street as shown in Figure 32 below.

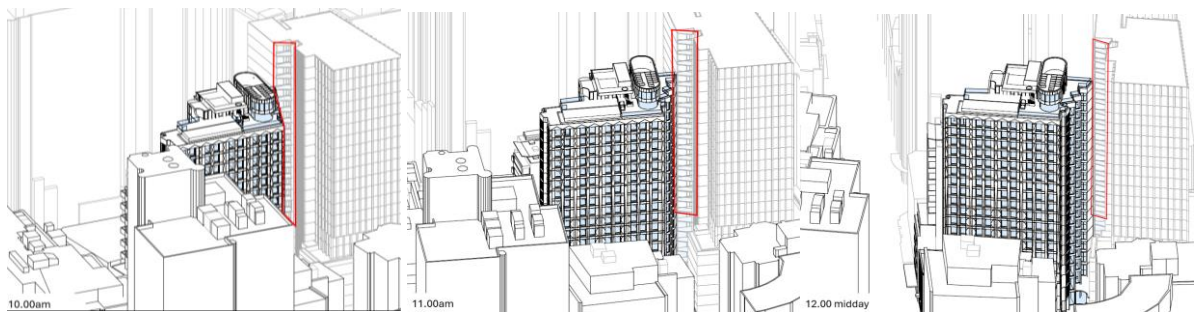


Figure 32: Relationship between the proposed development's western edge and the eastern apartments on the top four storeys of 60 Bathurst Street

Outlook

83. Similarly, the proposed development, being contained wholly within the amended concept envelope, will achieve an acceptable level of outlook to the eastern apartments of the adjoining 60 Bathurst Street. Specifically:
- (a) it will maintain the same level of outlook for apartments located on levels 9-22 (shaded red); and
 - (b) it will improve the extent of outlook for apartments located on levels 23-25 (shaded green)

as shown in Figures 33, 34 and 35 below.

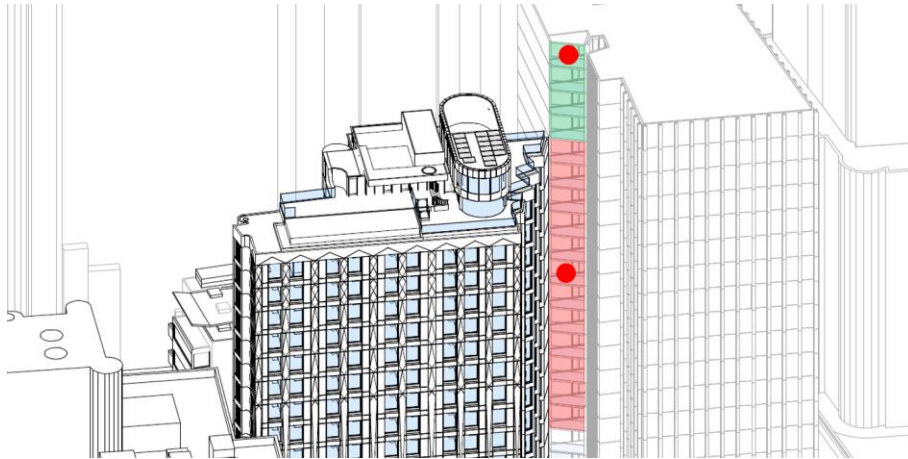


Figure 33: Locations of the eastern apartments of 60 Bathurst Street - levels 9-22 shaded in red, levels 23-25 shaded in green, and locations of modelled view of Figures 32 and 33



Figure 34: Modelled view of the approved envelope (left) and proposed development (right) from the balcony of the level 16 eastern apartment of 60 Bathurst Street, showing comparable outcome



Figure 35: Modelled view of the approved envelope (left) and proposed development (right) from the balcony of the level 25 eastern apartment of 60 Bathurst Street, showing improved outcomes

Acoustic and Visual Privacy

84. The western portion of the rooftop bar will be in proximity to the balconies of the eastern residential apartments of the adjoining 60 Bathurst Street.
85. An acoustic report has been provided to demonstrate that the operation of the rooftop bar can be appropriately managed to achieve the relevant noise criteria. This includes limiting operation of the rooftop to indoor only and reducing the maximum capacity to 80 patrons after 10pm. Appropriate conditions are recommended in Attachment A to manage potential acoustic impacts.
86. To manage the potential visual privacy impacts, a condition is recommended in Attachment A to require external fixed privacy screening device(s) to be provided to the western edge of the roof level, and the west elevation of the roof mezzanine. To ensure the screening is fully integrated into the overall design to achieve a high-quality outcome, the condition allows flexibility in terms of the design and extent of screening. The condition sets out the design criteria that the screening will preserve the visual privacy of the eastern apartments of 60 Bathurst Street, be contained wholly within the concept envelope, achieve at least 60 per cent obscurity, and constructed of high-quality material compatible with the overall development.

Solar Access - 503-505 Kent Street

87. The existing 13 storey commercial building on the adjoining site to the south was approved under development consent D/2003/1148 with windows on its north and west elevations to be constructed at the shared boundary with the subject site.
88. The boundary windows were approved to articulate the boundary walls, and they are not the only source of natural light and ventilation for the commercial premises.
89. The boundary windows are subject to a covenant, requiring the boundary windows to be enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Where necessary, the City can enforce the covenant to facilitate the redevelopment of the site.
90. It is noted that the boundary windows on the northern facade of the commercial building is set back approximately 8m from Kent Street. As such, the original concept consent with an 8 metre setback to Kent Street already required the boundary windows to be fully concealed. The reduced setback to Kent Street is therefore not considered to result in additional impacts to those windows. It would also be unreasonable to require a redevelopment scheme for the subject site to be amended merely to allow the adjoining property to continue to borrow amenity.
91. The commercial building will continue to access natural light via the 'glass enclosed projections' on the Kent Street facade. As detailed in the separate report for the concurrent modification application, the amended concept envelope, and the proposed development contained within it, will not result in any additional overshadowing to the 'glass enclosed projections', compared to the original concept consent.

Construction Management

92. A Construction Noise and Vibration Management Plan has been submitted with the application and has been subsequently amended to satisfactorily address concerns raised by the City's Environmental Health Unit. The implementation of the amended CNVMP is required by conditions recommended in Attachment A, including the following specific noise and vibration mitigation measures:
- (a) noise and vibration monitoring during the demolition and excavation stages, with additional monitoring as required in response to complaints;
 - (b) an alarm system will be in place to alert the acoustic consultant and demolition site foreman of vibration exceedances;
 - (c) the use of high noise emission appliances, plant and/or machinery will be restricted, with appropriate respite periods to be provided; and
 - (d) the respite periods are to be modified as instructed by the City, if necessary, in response to complaint received.
93. Other relevant conditions are also recommended in Attachment A, including the requirement for dilapidation reports and construction traffic and pedestrian management plan etc. Specifically, to minimise potential structural impacts associated with the demolition and excavation stages, conditions are recommended to require the geotechnical and structural engineers to be retained.

Consultation

Internal Referrals

94. The application was discussed with the City's Design Advisory Panel; Heritage and Urban Design Unit; Access and Transport Unit; Traffic Operations Unit; Public Domain Unit; Water Asset Unit; Construction Regulation Unit; Tree Management Unit; Environmental Health Unit; Licenced Premises Unit, and Cleansing and Waste Unit.
95. Relevant referral comments have been included in the assessment above, and where appropriate, recommended conditions are included in Attachment A.

External Referrals

Water NSW

96. WaterNSW raised no objection to the subject application not being nominated as an Integrated Development, and has recommended conditions, which are included in Attachment A.

Ausgrid

97. Pursuant to Clause 2.48 of the Transport and Infrastructure SEPP, the application was referred to Ausgrid. Ausgrid raised no objections to the proposed development, and the recommended conditions are included in Attachment A.

Transport for NSW

98. Pursuant to Clause 2.48 of the Transport and Infrastructure SEPP, the application was referred to TfNSW (Sydney Trains) for comment. TfNSW (Sydney Trains) have raised no objections to the proposed development, and the recommended conditions are included in Attachment A.

NSW Police

99. The application was referred to NSW Police for comment on 9 October 2023. No response was received, and it is assumed that NSW Police holds no significant concerns with the proposed development.

Advertising and Notification

100. In accordance with the City of Sydney Community Participation Plan 2023, the proposed development was notified and advertised for a period of 28 days between 9 October 2023 and 7 November 2023. A total of 1262 properties were notified, and 11 submissions were received.
101. Following the amendments made on 24 April 2024, the application was re-notified and re-advertised for 14 days. The previous 1262 properties were notified, and three further submissions were received from previous objectors.
102. The submissions raised the following concerns:
- (a) **Issue:** The proposed development, and as amended, remain taller than the Sun Access Place for the future Town Hall Square included in the DCP.
- Response:** A site-specific sun access plane has been established for the site. The sun access plane has been verified by the City's Model Unit, and the proposed development is compliant with that sun access plan. As amended, the proposed development will entirely preserve sun access to the future Town Hall Square.
- (b) **Issue:** The proposed additional demolition would detrimentally affect the significance of the heritage item.
- Response:** As discussed in this report, the proposed additional demolition is considered acceptable and would not adversely affect the significance of the retained heritage building.
- (c) **Issue:** The removal of the south-eastern courtyard, and the reduced Kent Street tower setback, are inconsistent with the design competition winning scheme.
- Response:** As discussed in this report, the south-eastern courtyard of the winning scheme is considered to be unfeasible. The greater stairwell, which has been developed as part of the heritage interpretation strategy, is considered acceptable by the City's Design Advisory Panel, without diminishing the ability proposed development to achieve design excellence.

Furthermore, the proposed development maintains all other key aspects of the competition winning scheme, including clear and legible internal planning, activation of the rooftop and Druitt Lane; and the overall architectural expression of the winning scheme. Despite the reduced Kent Street tower setback, the proposed development is faithful to the design principles that governed the competition winning scheme by SJB. It is considered to be consistent with the intent of the competition winning scheme while positively responding to the constraints of the site and the recommendations made by the competition jury and the City's Design Advisory Panel.

- (d) **Issue:** The rooftop pool and bar, and associated landscaping adversely affect the amenity and safety of adjoining residential development at 60 Bathurst Street.

Response: As discussed in this report, an acoustic assessment has been provided to demonstrate the operation of the rooftop pool can comply with the relevant noise criteria. Appropriate conditions are also recommended in Attachment A to require an acoustic verification report to confirm compliance. The rooftop tree plantings are appropriately located to ensure wind safety.

- (e) **Issue:** The proposed development will adversely impact on the traffic of surrounding roads. Drop-off/pick-up facilities should be provided within the site, noting that the concept consent provides for 40 car parking spaces.

Response: The traffic impacts associated with the proposed development are considered acceptable by the City's Access and Transport Unit and Traffic Operations Unit, subject to conditions recommended in Attachment A.

The concept consent, nor the associated reference scheme, suggested on-site parking beyond spaces and turntable required for on-site loading and servicing. Given the width of Druitt Lane and the retention of the heritage building, on-site drop-off/pick-up facilities for coaches cannot be accommodated. A preliminary coach parking management plan has been submitted to identify opportunities to utilise existing kerb-side parking in vicinity of the subject site and opportunities to modify existing restrictions on Kent Street. As changes to restrictions on Kent Street require separate approval by the LPCTCC, a final coach parking management plan is required by a condition recommended in Attachment A prior to the commencement of use.

- (f) **Issue:** The proposed development should revitalise Druitt Lane.

Response: The proposed development has been designed to activate Druitt Lane, which is a key aspect of the competition winning scheme. A concept design has also been provided to convert Druitt Lane into a shared zone, which will connect with the approved future continuous footpath on Sussex Street. The implementation of the required public domain works is required by conditions recommended in Attachment A.

- (g) **Issue:** While not objecting to the removal of the 2 existing street trees on Kent Street, condition should be imposed to ensure replacement plantings will be provided.

Response: An appropriate condition is recommended in Attachment A to require replacement planting as part of the required public domain works.

- (h) **Issue:** Conditions should be imposed to ensure any construction related impacts are mitigated, including pre- and post-construction dilapidation reports; vibration and noise monitoring; asbestos removal by licensed removalist; compliance with acoustic report; erosion and sediment control.

Response: Appropriate conditions are recommended in Attachment A to manage the construction-related impacts raised by the submissions.

- (i) **Issue:** Conditions should be imposed to ensure appropriate management of noise associated with the mechanical plants and operation of the hotel, particularly the rooftop bar.

Response: An acoustic assessment has been submitted to demonstrate that the proposed development can comply with the relevant noise criteria. Appropriate conditions are recommended in Attachment A to ensure compliance, including an acoustic verification report prior to the commencement of operation.

- (j) **Issue:** Lack of appropriate supporting documents, including acid sulfate management plan, contamination assessment (DESI, RAP); odour impact assessment; view impact study; and adequate acoustic report.

Response: Where relevant, additional documents have been provided to enable an assessment of the proposed development.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

103. The cost of the development is greater than \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
104. A condition relating to this levy has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

105. The site is located within the Central Sydney affordable housing contribution area. The proposed development creates more than 100m² of gross floor area and involves the change of use of existing floor area from non-residential accommodation land use to tourist and visitor accommodation. Therefore, it is subject to affordable housing contribution pursuant to Clause 7.13(1)(d)(i) of the LEP.
106. The contribution amount payable is calculated based on the 'total floor area' of the proposed development. A total floor area calculation plan has been provided to identify a total floor area of 12,563m², and the contribution amount is calculated at a rate of \$11,176.22 per square metre on 1 per cent (%) of that total floor area, totalling \$1,404,068.80.

107. Section 7.32 of the EP&A Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the EP&A Act applies. The EP&A Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area and:
- (a) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or
 - (b) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or
 - (c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or
 - (d) the regulations provide for this section to apply to the application.
108. The proposal is consistent with the criteria under parts (a) and (b) above.
109. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the EP&A Act subject to consideration of the following:
- (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
 - (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
 - (c) the condition requires a reasonable dedication or contribution, having regard to the following:
 - (i) the extent of the need in the area for affordable housing,
 - (ii) the scale of the proposed development,
 - (iii) any other dedication or contribution required to be made by the applicant under this section or Section 7.11.
110. Having regard to the provisions of Section 7.32 of the EP&A Act, the imposition of an affordable housing contribution is reasonable.
111. A condition is therefore recommended in Attachment A requiring the payment of an affordable housing contribution prior to the issue of any construction certificate.

Housing and Productivity Contribution

112. This development application is not subject to a Housing and Productivity Contribution under the provisions of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 as it was lodged before the Housing and Productivity Contribution comes into effect on 1 October 2023.

Relevant Legislation

113. Environmental Planning and Assessment Act 1979.
114. Water Management Act 2000.
115. City of Sydney Act 1988.

Conclusion

116. The application seeks consent for the partial demolition of the existing heritage building, remediation and excavation, construction of a 22-storey 228-room hotel development with food and drink premises on the lower ground, ground and roof levels, and associated landscaping, signage strategy, and public domain upgrades.
117. The proposed development is consistent with the concept consent for the site, as proposed to be amended by D/2020/1224/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act 1979.
118. The proposed development complies with the key development standards applicable to the site, including the maximum floor space ratio, and sun protection to the Sydney Town Hall Steps, Sydney Square, and the future Town Hall Square, under Clauses 4.4, 6.4, and 6.18 of Sydney Local Environmental Plan 2012, respectively.
119. The proposed development will conserve the heritage significance of the former "Universal Film Manufacturing Co" warehouse in accordance with Clause 5.10 of Sydney Local Environmental Plan 2012.
120. The proposed development is consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality, and environmental performance of the proposal is consistent with the desired future character of the locality and exhibits design excellence to satisfy Clause 6.21C of Sydney Local Environmental Plan 2012.
121. The proposal is generally consistent with other applicable planning provisions, including the relevant State Environmental Planning Policies, Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Where non-compliances arises, they have either been considered as having merit in the circumstances of the site, or addressed by conditions recommended in Attachment A.

122. The proposed development will provide for new hotel accommodation and food and drink premises on a site that is highly accessible to existing and planned employment, services, public transport infrastructure, and community facilities.
123. The proposed development will not result in any unreasonable impacts on existing or likely future developments surrounding the site. Subject to the conditions recommended in Attachment A, the proposed development responds appropriately to the site's constraints and contributes positively to the existing and desired future character of the locality.
124. The proposed development is therefore in the public interest and is recommended for approval by the Central Sydney Planning Committee.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Bryan Li, A/Area Coordinator