

# **Attachment A**

<b>Assessment Report</b>
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# Mixed-use Hotel and Retail Development

State Significant Development Assessment Report (SSD-65204458)

Council reference: D/2024/446

May 2025





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Mixed-use Hotel and Retail Development (SSD-65204458) Assessment Report

*Cover image: Perspective looking north-east across Pitt Street towards the development (Source: Applicant's RtS – architectural plans)*

Published: May 2025

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# Preface

This assessment report provides a record of the City of Sydney Council's (the City) assessment and evaluation of the State Significant Development (SSD) Application for the new mixed-use Hotel and Retail Development located at 372-382A Pitt Street, Sydney, lodged by Well Smart Investment Holding. The report includes:

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

# Executive Summary

## Project

This report details the City's assessment of the State Significant Development Application SSD-65204458 for the new mixed-use Hotel and Retail Development. Well Smart Investment Holding (the applicant) proposes to construct the development on land located at 372-382A Pitt Street, Sydney, within the City of Sydney Local Government Area (LGA).

The proposal seeks consent for the retention of the retail facades at 374-382A Pitt Street, demolition of the northern most terrace at 372 Pitt Street, and construction of a 60-storey mixed-use 509-room hotel and ancillary retail at ground floor with one level of basement accessed from Carruthers Place and business identification signage.

An architectural design competition (competitive design process) was held for the proposal. The scheme prepared by Kerry Hill Architects (KHA) + Crone was identified by the Selection Panel as the preferred scheme, and most likely to achieve design excellence. This application follows, and is generally consistent with, the design competition winning scheme as determined by the Selection Panel on 30 January 2023.

A separate concept development consent (D/2021/1504), relating to the in-principle partial demolition of existing buildings, excavation of 3 basement levels to enable a new building envelope with a maximum height of RL 206.1 for hotel and residential land uses and retail premises at ground floor and vehicular access and loading access from Carruthers Place was granted deferred commencement approval on 15 September 2022. The consent became operational on 13 October 2022.

An amending Development Application (D/2024/36) to the approved concept building envelope D/2021/1504 is being assessed concurrently, proposing the removal of the in-principle residential land use, and retention of the hotel and retail land uses only, with changes to the building envelope to allow for a landscape 'vessel' structure at level 4. The modifications align with the winning design competition scheme and this SSD Application.

The project has a capital investment value of \$186,906,094 and is expected to generate 570 construction jobs and 400 operational jobs.

## Strategic context

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

## Statutory context

The project is classified as State significant Development (SSD) in accordance with Section 13 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) as it comprises a hotel development with a capital investment value of more than \$100 million.

It is noted that the subject application was lodged prior to 13 December 2024, when clause 13(3) of the SEPP was introduced, allowing hotel accommodation with an estimated development cost of more than \$100 million to be assessed by the City.

On 2 May 2024, Secretary of the Department of Planning, Housing and Infrastructure delegated responsibility for the assessment of the application (and related functions) to the City. On 5 May 2024, the Minister for Planning and Public Spaces delegated consent authority functions to the City in respect of the application.

The project is located within the SP5 – Metropolitan Centre zone under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed hotel accommodation and ancillary retail premises are permissible with consent in this zone.

## Engagement

The City and the Department of Planning, Housing and Infrastructure (the Department) publicly exhibited the application for 28 days between 24 June 22 July 2024. In response, the City received 8 submissions from government agencies and 5 public submissions. The Department received 1 public submission. All 6 public submissions received objected to the application.

Key issues raised in public submissions relate to construction impacts, the use of the privately owned Carruthers Place, loss of light to the public domain (relating to the proposed landscape ‘vessel’ being introduced), pedestrian safety and overshadowing to neighbouring apartment buildings.

The applicant submitted a response to submissions report on 22 November 2024.

The key concerns are outlined in **Section 5** and addressed in **Appendix C**.

## Assessment

The City has identified key issues to be consistent with the Concept Approval and Amending DA, design excellence, heritage, tower setbacks and the use of Carruthers Place. These issues are addressed in **Section 6**.

A competitive design process has been undertaken in accordance with the City’s provisions, with the proposed development being consistent with the winning scheme and recommendations of the Selection Panel. As discussed within this report, it is considered that the development achieves the principles of design excellence in accordance with clause 6.21C of the Sydney LEP 2012.

The built form of the proposed development is generally in accordance with the built form controls applicable to the site, contained in the Sydney LEP 2012 and Sydney DCP 2012. The City’s assessment concludes that the proposed built form is acceptable given the scale is generally consistent with the controls implemented for Central Sydney, and the Concept approval D/2021/1504; and is acceptable in terms of urban design, bulk, scale and massing. The proposal is in keeping with the intent of the design subject to an Architectural Design Competition and demonstrates high quality form.

The built form is acceptable as it:

- maintains appropriate daylight and sunlight in streets, lanes and public spaces

- manages wind impacts on surrounding public domain areas so that they are safe and comfortable for people, with no additional, significant impacts when compared to the original concept approval D/2021/1504.
- Ensures the podium responds to the existing streetscape with the retention of the retail terrace facades along Pitt Street, and nearby heritage items.
- Provides appropriate setbacks above the street frontage height.
- Provides separation of the tower form to adjoining and nearby developments, providing appropriate outlook for surrounding building occupants.
- Plans the ground floor so as to minimise pedestrian and vehicle conflicts and disruptions to traffic on public roads.

The site is located above the Sydney Metro tunnels and as such was referred to Sydney Metro for support and recommended conditions of consent to ensure their structural integrity during construction and occupation. Assurance has been provided by Sydney Metro on 29 April and 1<sup>st</sup> May 2025 that concurrence is forthcoming and conditions can be provided. It is therefore recommended that determination of the application be delegated to the Chief Executive Officer of the City of Sydney, pending the receipt of conditions.

## Conclusion

Overall, the City's assessment concludes the impacts of the project are acceptable and they can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

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

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

The proposal will create employment opportunities, both during construction and throughout ongoing operation.

Based on this assessment, the City considers that the project is justified and in the public interest, and that the site is suitable for the proposed development.

The proposal is considered to be in the public interest and is recommended for approval to be delegated to the Chief Executive Officer of the City of Sydney, pending the receipt of support and conditions from Sydney Metro.



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# 1 Introduction

## 1.1 The proposal

Well Smart Investment Holding (the applicant) seeks approval for the construction of a new 60-storey, 509-room hotel tower at 372-382A Pitt Street, Sydney, with the retention of the retail facades at 372-382A Pitt Street to create a podium, ancillary retail premises at ground floor and one level of basement, with vehicular access from Pitt Street and Carruthers Place.

The scope of the proposed works comprises the following:

- Demolition of all existing buildings, with the façade, associated footings and one bay across each of the retail terraces at 374-382A Pitt Street to be retained to create a historic podium (RL28.25 / 13.4m). The northern terrace at 372 Pitt Street is to be demolished and replaced with an infill 2-storey building.
- Site preparation and remediation work.
- Bulk excavation to create 1x basement level with plant, back of house and bicycle parking.
- Construction of a 60-storey tower, containing the following:
  - 509 hotel rooms.
  - Bars, all dining areas, meeting/function rooms, conservatory, gym and amenities associate with the hotel accommodation.
  - Ancillary retail and food and drink premises within the 3 storey lower podium.
  - Creation of an upper podium to a height of 25m, setback 8m from the street frontage and aligned with the street setback of the tower.
  - Landscape 'vessel' at level 4 setback 1m from the Pitt Street frontage with terrace area and dining area.
  - 2x plant levels (at levels 22 and 58).
- Landscaping to level 4 (as part of the 'vessel' structure).
- Construction of a vehicular entrance to Pitt Street, occupying part of Carruthers Place (a private lane).
- Easement for access to fire escape of neighbouring property at 362-370 Pitt Street, within Carruthers Place, exiting onto Pitt Street.
- Provision of flood protection infrastructure and extension and augmentation of services and utilities to the development.
- Building identification signage zones.
- The development is designed to achieve a 4.5-star Star NABERS Energy Hotel design standard, a 4-star Star NABERS Water Building rating (hotel) and a 4-star green Star rating.

The project description and mitigation measures provided in **Section 3** and **Appendix D** of the environmental impact statement (EIS) are the subject of this report and will form part of the development consent.

## 1.2 Project location

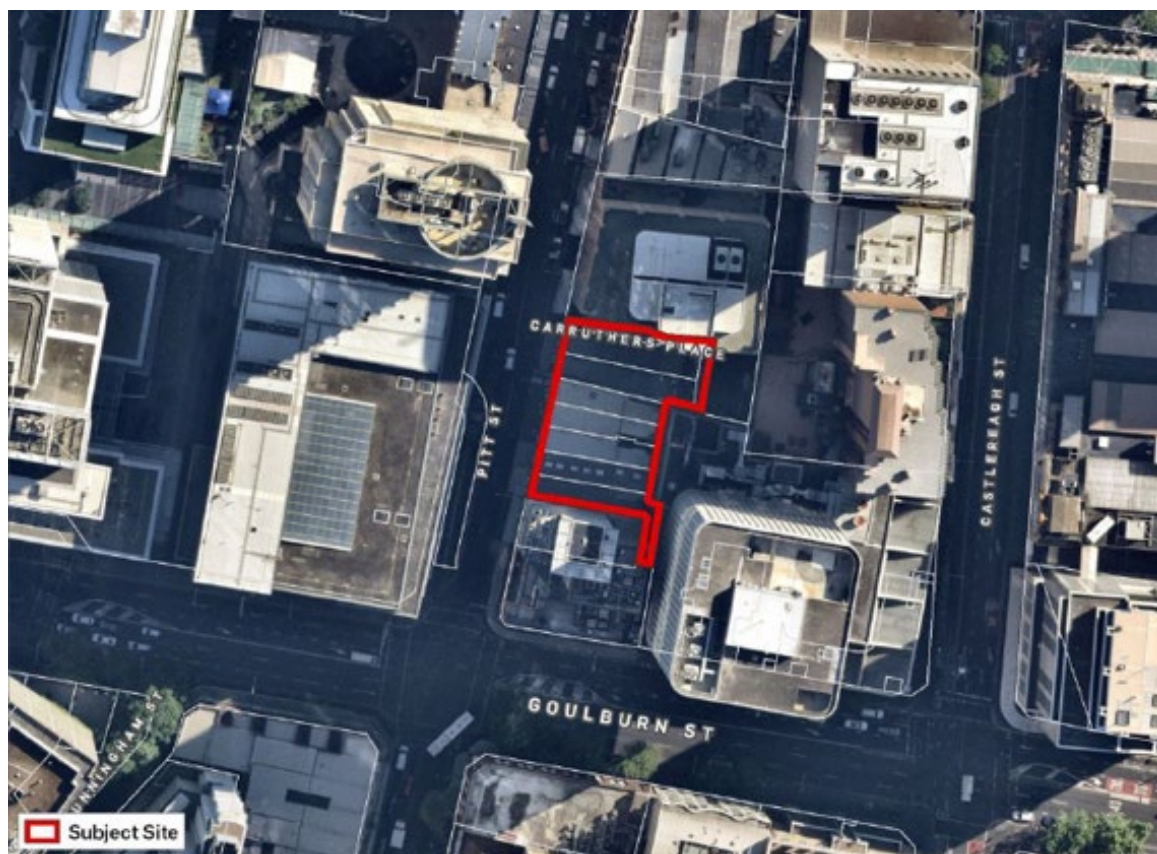
The subject site is located at 372-382A Pitt Street, Sydney in the City of Sydney local government area (LGA). The site comprises seven separate lots, as described in **Table 1**.

**Table 1** | Legal Description of the site

Legal Description	Address
Lot 3702 of DP 1124741	372B Pitt Street (or Carruthers Place)
Lot A and Lot B of DP 439550	372-374 Pitt Street
Lot K of DP 107021	376 Pitt Street
Lot J of DP 107021	378 Pitt Street
Lot G of DP 107010	380 Pitt Street
Lot E of DP 44348	382 Pitt Street
Lot 1 of DP 341987	382A Pitt Street

The site is irregular in shape with an area of 1,139.9sqm. The site has a primary frontage to Pitt Street, with a private lane known as Carruthers Place forming part of the site, to the north and east frontages.

The site is located in the Sydney Central Business District, directly to the east of World Square and west of the Sydney Masonic Centre. It is located on the eastern side of Pitt Street, near the intersection of Pitt Street and Goulburn Street. It is within a street block bounded by Castlereagh Street located to the east, Goulburn Street to the south and Liverpool Street to the north.



**Figure 1** | Aerial image of subject site and surrounding development (Source: Urbis EIS)

The site is currently occupied by five, 3-storey commercial terraces. The existing buildings are now a rare surviving Federation era (Edwardian Free Classical) commercial terrace group within the Sydney CBD. The terraces at 372-374 Pitt Street were constructed in 1910 by architects Eaton and Bates (George Thomas Eaton and Albert Edmund Bates) and the remaining buildings at 376-382A Pitt Street were constructed c.1910-1912. The existing buildings provide a consistent street frontage height of approximately 13.4m across six of the seven lots fronting Pitt Street.

Carruthers Place (372B Pitt Street) is a privately owned land which has a width of 2.425m to Pitt Street. Carruthers Place runs partially to the rear (at the north of the site) behind 372-374 Pitt Street. There are no rights of access easements burdening Carruthers Place.

There are a number of easements and rights of access affecting and benefitting the subject site. These include a right of footway and carriageway easement for support of bridge (now gone) and rights in respect to sewer pipes at 372-374 Pitt Street, and a shared vehicular right of way limited in height to 3.2m which provides restricted access from Goulburn Street.

In addition, the site is also subject to numerous easements and constraints below ground including existing easements for railway transit, and a Sydney Metro tunnel corridor. A Sydney Water wastewater trunk main pipe measuring 914mm x 1,371mm also dissects the site, running diagonally from the eastern side (378-380 Pitt Street) to the north-west corner of the site (372B Pitt Street).

The site is located within the Central Sydney locality but not within a Special Character Area. Part of the site is located within a Central Sydney Tower Cluster area (372B, 372- 382 Pitt Street). The existing buildings are not identified as heritage items, nor located within a heritage conservation area. The site is adjacent to heritage items of local significance including, the 'Sydney Masonic Centre building podium' at

279-283 Castlereagh Street (I2283) immediately to the east, 'Former "American Tobacco Co" warehouse facade' at 267-277 Castlereagh Street (I1706) to the east, and the 'Civic Hotel including interior' at 386-388 Pitt Street (I1945) to the south.

The western side of Pitt Street is identified as being subject to flooding, however the subject site is not directly affected.

Photos of the site are provided below.



**Figure 2** | Site viewed from Pitt Street facing north towards Liverpool Street





**Figure 3** | Site viewed from Pitt Street facing south-east showing existing vehicular entry to Carruthers Place



**Figure 4** | Site viewed from Pitt Street footpath facing south towards Goulburn Street





**Figure 5** | Carruthers Place showing interface between The Chambers building at 362-370 Pitt Street - looking east (left) and west (right)



**Figure 6** | Carruthers Place rear facing east





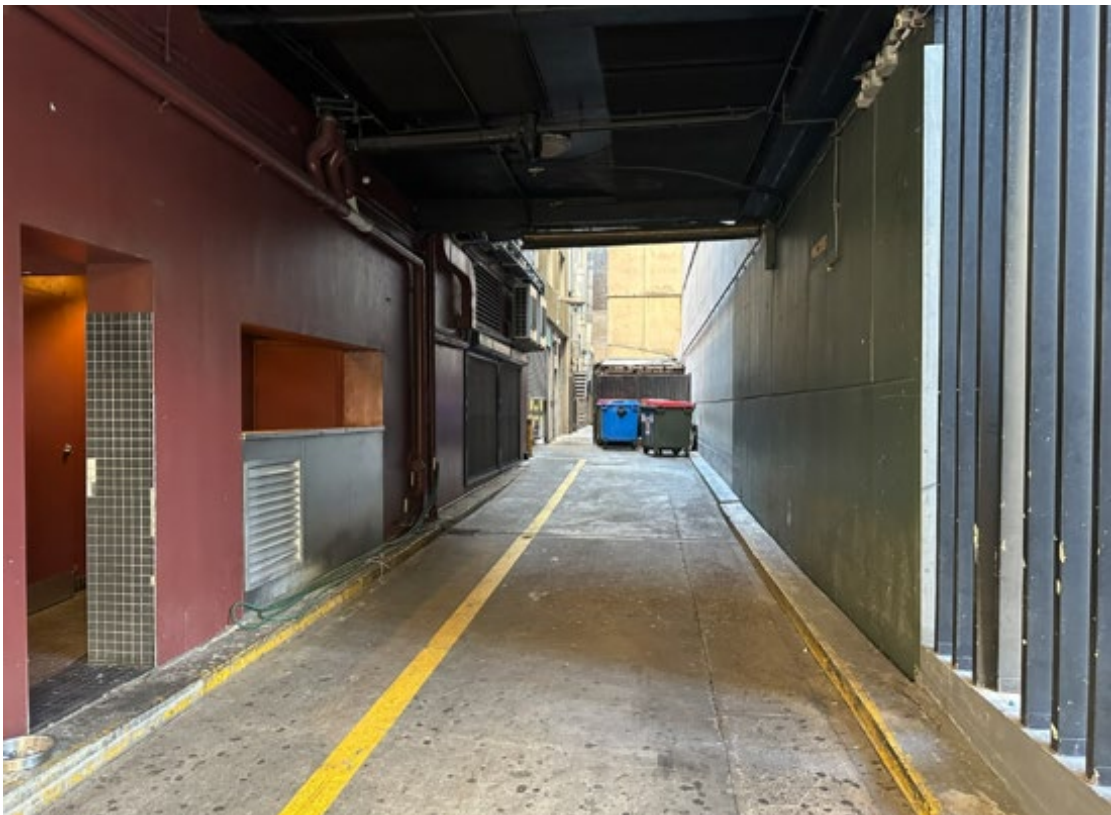
**Figure 7** | Carruthers Place behind 372-374 Pitt Street, including part of 362-370 Pitt Street



**Figure 8** | Site rear interface behind 382-382A Pitt Street, view to Masonic Centre and Civic tower (left) and Ibis Hotel (right)



**Figure 9** | Rear site interface, viewed from behind 382-382A Pitt Street looking to restricted vehicular right of way to Goulburn Street



**Figure 10** | View of restricted vehicular right of way from Goulburn Street, through Civic hotel facing north (looking back towards the rear of subject site)

### 1.3 Surrounding site context

The surrounding area is characterised by a mixture of commercial, residential, retail, food and drink premises and visitor accommodation uses.

Immediately north of the site is a 17 storey commercial building known as 'The Chambers' at 362-370 Pitt Street. It contains individual strata commercial office suites across 15 levels and two levels of strata retail spaces at the ground and upper ground levels. The site includes unbuilt on area of land between the rear of the subject site and 267-277 Castlereagh Street, which is used for casual car parking. There are no window boundary covenants or right of way easements burdening the subject site benefitting 362-370 Pitt Street.

Further to north are local heritage items known as the 'Former "Snow's Emporium" including interiors' at 127-131 Liverpool Street (I1853) and 350-360 Pitt Street (I1943).

Immediately south of the site is the 18 storey Ibis Sydney World Square hotel at 386 Pitt Street. The northern elevation of the Ibis hotel presents a blank wall at nil setback to the site, north facing hotel room windows are setback 3m from the boundary. There are no window boundary covenants burdening the subject site benefitting 386 Pitt Street. Further south is the local heritage listed 3-storey Civic hotel at 388 Pitt Street, Sydney.

Immediately east of the site is a 35-storey mixed use building known as the 'Museum Towers' at 267-277 Castlereagh Street, Sydney. The Museum Towers predominately comprises residential uses. The Museum Towers is identified as a local heritage item (I1706) known as the 'Former "American Tobacco Co" warehouse facade'.

South-east of the site is the local heritage listed Sydney Masonic Centre (I2283) which comprises a 6-storey podium at 66 Goulburn Street and 24-storey Civic tower addition at 279-283 Castlereagh. Further east of the site, across Castlereagh Street is the Downing Centre Courts and John Maddison tower.

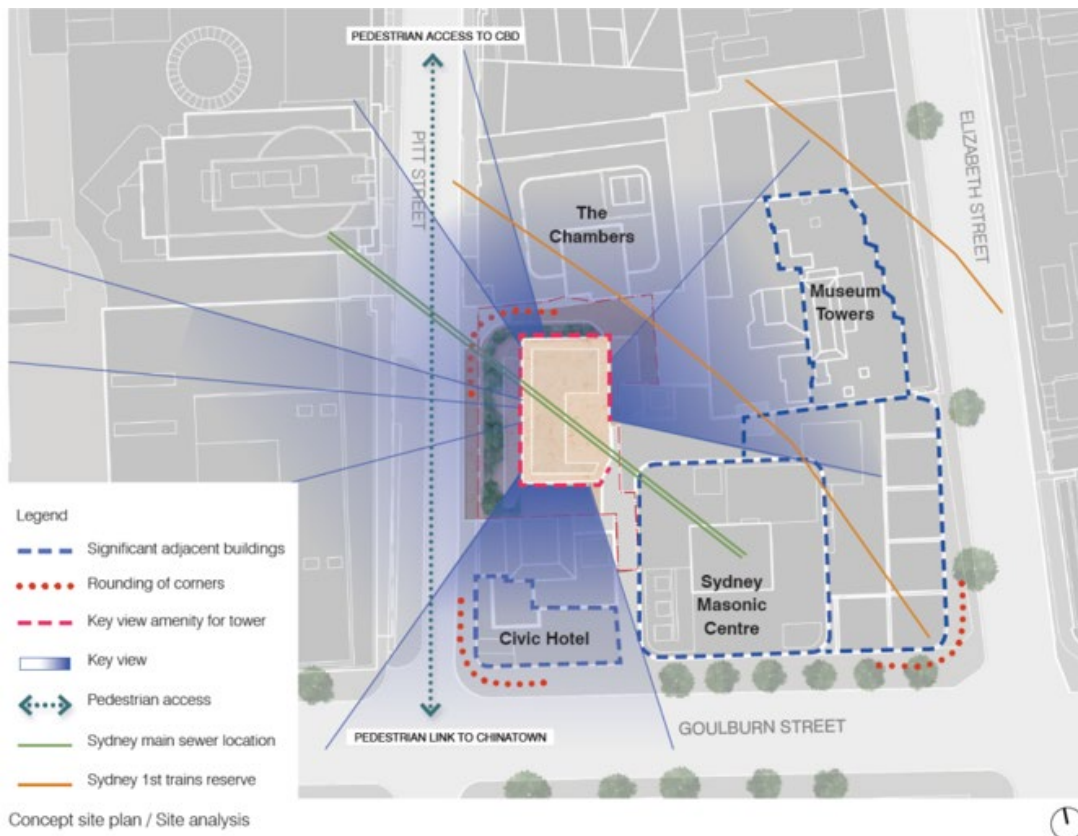
To the west of the site is the World Square complex, which is bound by George, Pitt and Goulburn and Liverpool Streets. There is a vehicular basement entry located on Pitt Street for the World Square complex in front of the site. To the south of World Square, across Goulburn Street is the local heritage listed 'CB Hotel including ground level shops, 1930 addition on Goulburn Street and interior' known as the Maloney's Hotel (I857).

Detailed design approval was granted for a 55-storey mixed use tower to a height of RL 230 AHD / 235m on 17 August 2023 (D/2022/495) with 168 apartments. The site is currently under construction.

Other residential developments within close proximity to the site include the 38-storey Miramar Apartments at 398 Pitt Street, 42-storey Aspect Tower at 2-4 Cunningham Street, and the 55-storey Hordern Towers at 393 Pitt Street.

A site context map and photos of surrounding developments are provided below.





**Figure 11** | Site context map (Source: Urbis EIS design report)



**Figure 12** | Subject site viewed from Pitt Street facing east. Museum tower and Civic tower located to the rear of the site (east), Ibis hotel to the right (south) and The Chambers to the left (north)



**Figure 13** | The Chambers building (362-370 Pitt Street)





**Figure 14** | Subject site, Ibis hotel, Civic hotel and view to Goulburn Street, looking south-east



**Figure 15** | View to World Square complex and Hordern Towers (393 Pitt Street), opposite the site, facing north





**Figure 16** | View to the Miramar apartments at 398 Pitt Street (left) and Aspect Tower apartments at 2-4 Cunningham Street (right), facing south on Goulburn Street



**Figure 17** | Civic Hotel and Goulburn Street restricted vehicular right of way marked by white arrow





**Figure 18** | View of intersection of Goulburn and Castlereagh Streets, showing surrounding heritage items that are located to the rear of the subject site, Sydney Masonic Centre (I2283) and Museum Towers (I1706)



**Figure 19** | Goulburn Street south-east streetscape

## 1.4 Project background and justification

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

- The quantum of additional retail and hotel GFA would not be delivered on the site. This would result in the loss of potential economic contribution to the NSW economy of approximately \$186 million in investment and 570 jobs during construction and 400 jobs during operation.
- A failure to align with the existing planning controls for the site. The existing built form does not adequately utilise the available development capacity on the site and building envelope as established by the Concept DA approval.
- The loss of a building that exhibits design excellence and provides an active ground floor plane to Pitt Street.

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

- The development will deliver a suitable density, capitalising upon the sustainable and economic efficiencies associated with providing gross floor area within proximity to major transport infrastructure nodes (including the new Sydney Metro West and City stations).
- The delivery of 16,144sqm of gross floor area will maximise public investment and the potential of the transport infrastructure network.
- The potential delivery of 509 hotel rooms in a highly accessible location will attract international and domestic visitors and accommodate visitors to Central Sydney. This will provide the necessary investment and revitalisation of the visitor accommodation industry following a period of stagnation and support the role of Central Sydney as a cultural hub.
- The provision of food and beverage tenancies will service the general public, employees and hotel guests and support late night activation past the typical workday.
- The ground plane has been carefully designed to promote pedestrian movement, provide a useable and vibrant hotel/ retail experience and provide an accessible space for the useability and enjoyment of the general public. These benefits are achieved whilst accommodating the required services and functions for the hotel operator and vehicular access points.

## 1.5 Related projects and works

### Concept Approval - D/2021/1504

As discussed above, a separate deferred commencement approval (D/2021/1504) was granted on 15 September 2022 for a concept building envelope with a maximum height of RL206.1 (approximately 59 storeys), with in-principle partial demolition of existing buildings, excavation of 3 basement levels, hotel and residential land uses and retail premises at ground floor with vehicular and loading access from Carruthers Place.

The deferred commencement approval required the submission of a detailed survey (based upon a boundary survey showing redefined boundaries). The survey was submitted to Council and the consent became operational on 13 October 2022.

### Competitive Design Process

An architectural design competition, based on the in-principle approved hotel, retail and residential uses, was undertaken over November 2022 - February 2023 in accordance with the provisions of Clause 6.21D of the SLEP 2012 and the City of Sydney Competitive Design Policy.

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

Kerry Hill Architects + Crone was selected as the winning entrant by the six-member selection panel, proposing a landscape 'vessel' above the retail podium, outside of the approved building envelope. The panel considered the winner to demonstrate the potential for design excellence and recommended a number of fundamental aspects of the proposal to be retained within the detailed design application. This is discussed further as part of the detailed design State Significant Development Application assessment.



**Figure 20** | Photomontage of design competition winning scheme facing east (left) and north east (right)

Following the sale of the site, the new landowner undertook design review process in October 2023, outside the requirements or oversight of the City. The design review process sought the jury's support for a change of use to hotel as well as minor design changes. A summary of the process was provided by the Applicant as part of the EIS for this SSD Application.

#### [Amending Concept DA – D/2024/36](#)

An amending Development Application (D/2024/36) to the approved concept building envelope D/2021/1504 is being assessed concurrently, proposing the removal of the in-principle residential land use, and retention of the hotel and retail land uses only, with changes to the building envelope to allow for a landscape 'vessel' structure at level 4. The modifications align with the winning design competition scheme and this SSD Application.



## 2 Project

### 2.1 Project overview

The key aspects of the project are provided in detail in the Project Description chapter of the EIS and are outlined in **Table 2**.

**Table 2** | Key aspects of the project

Aspect	Description
<b>Project summary</b>	Partial demolition of existing terraces and structures, retention of retail facades of 374-382A Pitt Street, site preparation, remediation works and bulk excavation for one level of basement. Construction and operation of a mixed-use hotel development with ancillary retail premises and loading dock at ground floor, and business identification signage zones.
<b>Site area</b>	1,139.9sqm
<b>Gross floor area (GFA)</b>	A total GFA of 16,144sqm comprising: <ul style="list-style-type: none"> <li>• Hotel: 14,295sqm</li> <li>• Retail: 1,849sqm</li> </ul>
<b>Floor space ratio (FSR)</b>	14.16:1
<b>Maximum building height</b>	RL 206.1 / 192.9m
<b>Uses</b>	Hotel accommodation with ancillary retail premises
<b>Estimated development cost</b>	\$186,906,094
<b>Access and parking</b>	<p>Vehicular access is provided via Pitt Street and Carruthers Place at the north-western frontage of the site. Vehicular access is restricted to ground floor only, for loading purposes, with a loading bay/holding area, SRV (6.4m) service bay and B99 service bay.</p> <p>Access to the basement is via lift/stair. The basement level comprises back of house, plant areas and 49 bicycle parking spaces.</p>
<b>Jobs</b>	Approximately 570 construction jobs and 400 operational jobs.

Aspect	Description
<b>Signage strategy</b>	<p>Seven signage zones are proposed:</p> <ol style="list-style-type: none"> <li>1. 2x under awning business identification signs to the west elevation (Pitt Street) – 0.4m (h) x 1m (w)</li> <li>2. 4x top hamper building identification signs to the west elevation – 0.32m (h) x 1.9m (w) (above main arrival door); and 0.32m (h) x 1.2m (w)</li> <li>3. 1x top of building sign to the north elevation – 3.05m (h) x 3.05m (w)</li> </ol>
<b>Sustainability</b>	The development is designed to achieve a 4.5-star Star NABERS Energy Hotel design standard, a 4-star Star NABERS Water Building rating (hotel) and a 4-star green Star rating.

## 2.2 Physical layout and design

The proposal comprises a tower development with podium fronting Pitt Street. The podium comprises a lower and upper podium, ranging between 3 storeys (the historic retail terrace façade) to 5 storeys (containing hotel rooms). The upper podium is setback 8m from the street, in line with the tower setback. A landscape ‘vessel’ said to be “floating” above the retained terraces parapet is proposed at level 4. The landscape ‘vessel’ is setback 1.3m from the Pitt Street boundary, housing landscaping and a terrace area associated with the hotel’s all day dining area.

At the ground floor, the development is built to the western site boundary along Pitt Street, with the exception of the north-western end. The terrace currently occupying 372 Pitt Street is proposed to be demolished, with the development providing an infill 3 storey building in its place, containing a driveway and vehicular entrance that will also occupy the majority of Carruthers Place (a private laneway at the northern boundary of the site), and hotel conservatory, lounge/amenity areas above. The vehicular entrance is setback approximately 8.4m from Pitt Street. A portion of Carruthers Place, approximately 1.484-1.52m in width (and adjoining the vehicular entrance point), is to be retained for access to the fire escape, fire safety services and ventilation openings of the neighbouring building at 362-370 Pitt Street, Sydney. An easement for access to these services via the subject site is to be placed on title benefitting 362-370 Pitt Street.

At the rear (eastern) boundary of the site, a setback of approximately 1.5m is provided, allowing for access to the shared vehicular right of way (limited in height to 3.2m) to Goulburn Street.



**Figure 21** | Site plan (Source: RtS architectural plans)



**Figure 22** | Photomontage of Pitt Street frontage (Source: RtS architectural plans)





**Figure 23** | Photomontage of Pitt Street tower (Source: RtS design report)

### 2.2.1 Functional Planning

The consolidated function of the proposed development is outlined in **Table 3**.

**Table 3** | Detailed Description

Floor	Proposed Development
Basement level 1	The basement level comprises back of house, plant areas, substation and 49 bicycle parking spaces. Access to the basement is via a stair.
Ground floor	<p>The ground floor comprises retail, lobby and loading areas. The loading bay/holding area accessed via the north-western portion of Pitt Street. This area contains an SRV service bay and B99 service bay, and a waste collection room.</p> <p>The retail and food and drink/bar offerings have a frontage to Pitt Street, with an arrival area and lobby for the hotel. The development provides a lift core in the rear, eastern portion of the footprint.</p>

Floor	Proposed Development
Level 1	Level 1 contains hotel amenity areas, lounge areas, conservatory and bar.
Level 2	Comprises meeting rooms, lounge areas, bar, storage and amenity areas associated with the hotel.
Level 3	Level 3 is occupied by back of house and plant area.
Level 4	This level contains the landscape 'vessel' with terrace area and awning above, all day dining and kitchen, as well as function/meeting rooms associated with the hotel.
Level 5	Level 5 contains 9x hotel rooms and plant area
Levels 6-21	Each level contains 10x hotel rooms and plant area
Level 22	Plant area occupies the entire floor
Levels 23-56	Each level contains 10x hotel rooms and plant area
Level 57	A gym is provided along the western portion of the floor, with plant and lobby areas to the eastern portion. A planter zone is also located along the western boundary of the tower.
Level 58	This level is occupied by plant area, open to the sky.
Level 59	Grating is provided to the plant level below.
Level 60 – roof	The majority of the roof is open to the plant area below, with a BMU track running along the western boundary of the tower.

Relevant elevations and a ground floor plan of the proposed development are provided below.



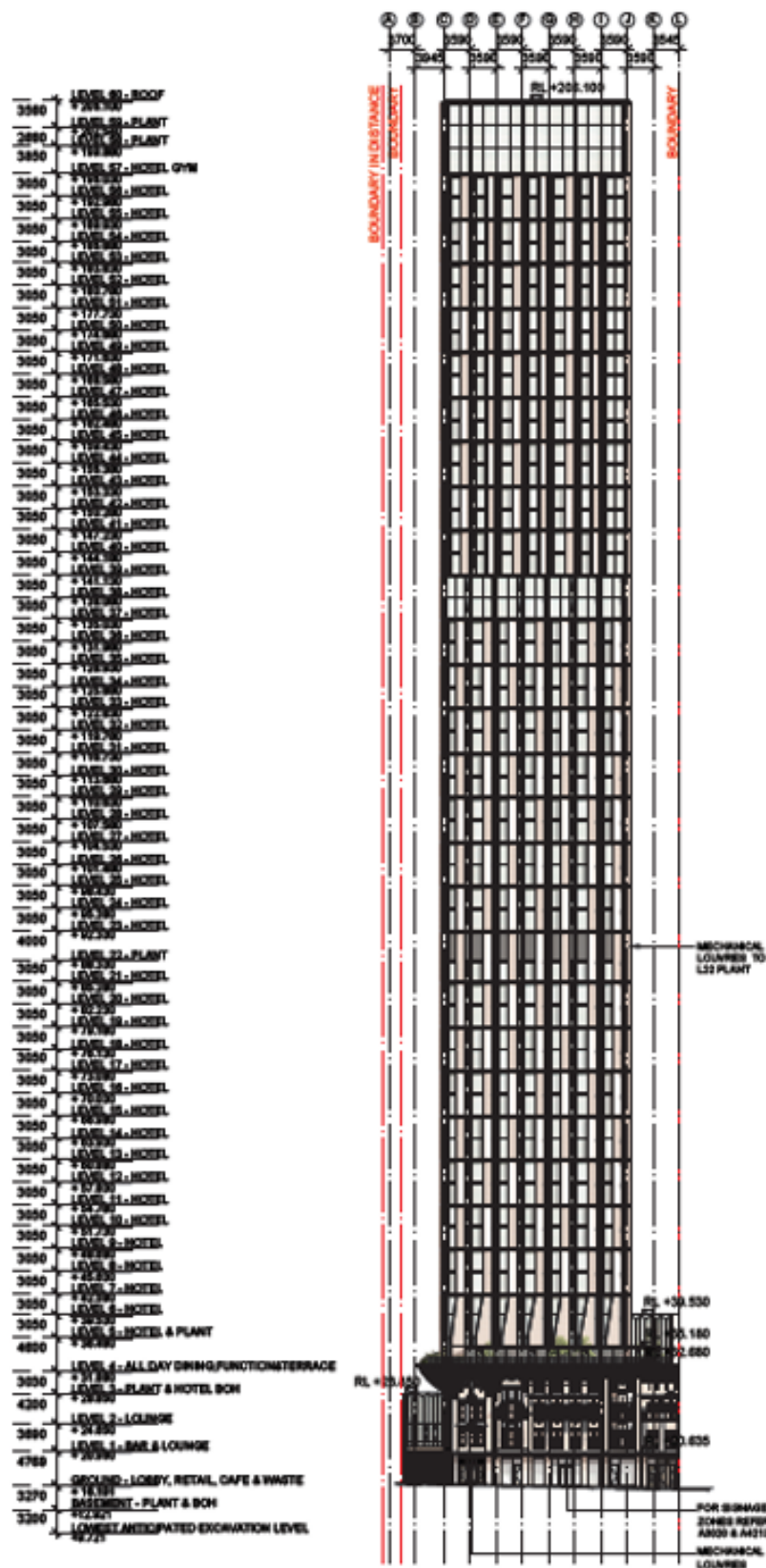


Figure 25 | West (Pitt Street) elevation of tower (Source: RtS architectural plans)

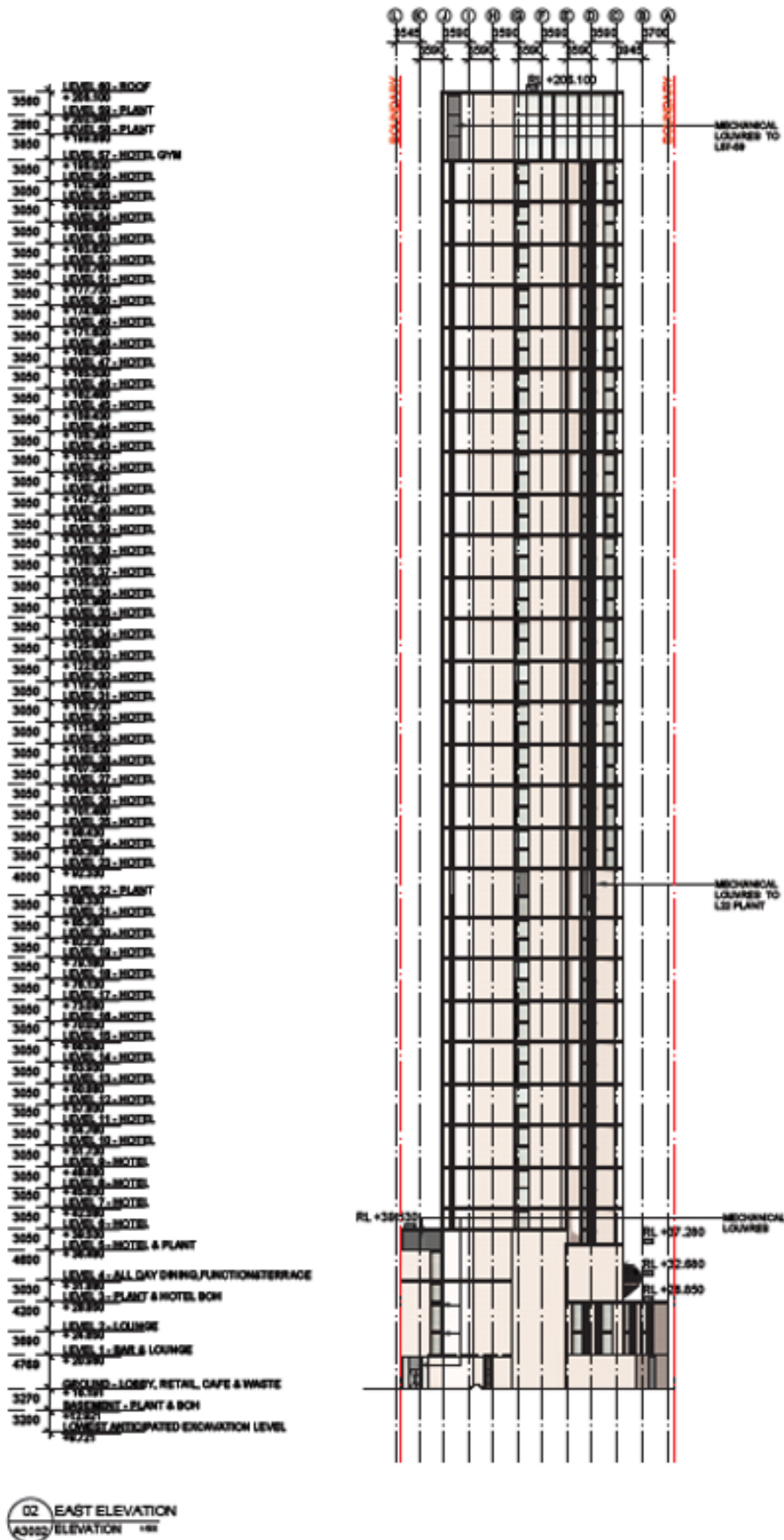


Figure 26 | East (rear) elevation of tower (Source: RtS architectural plans)



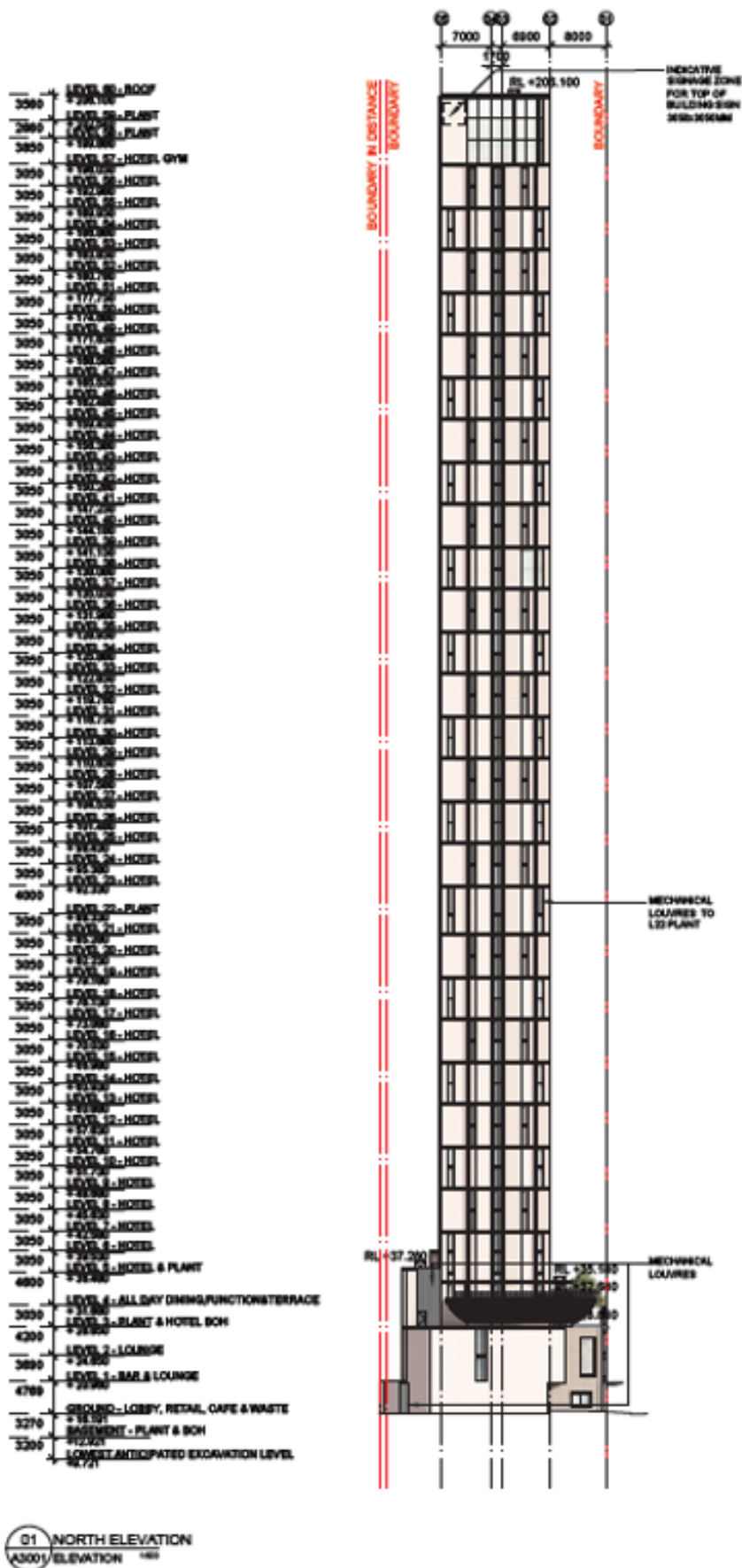
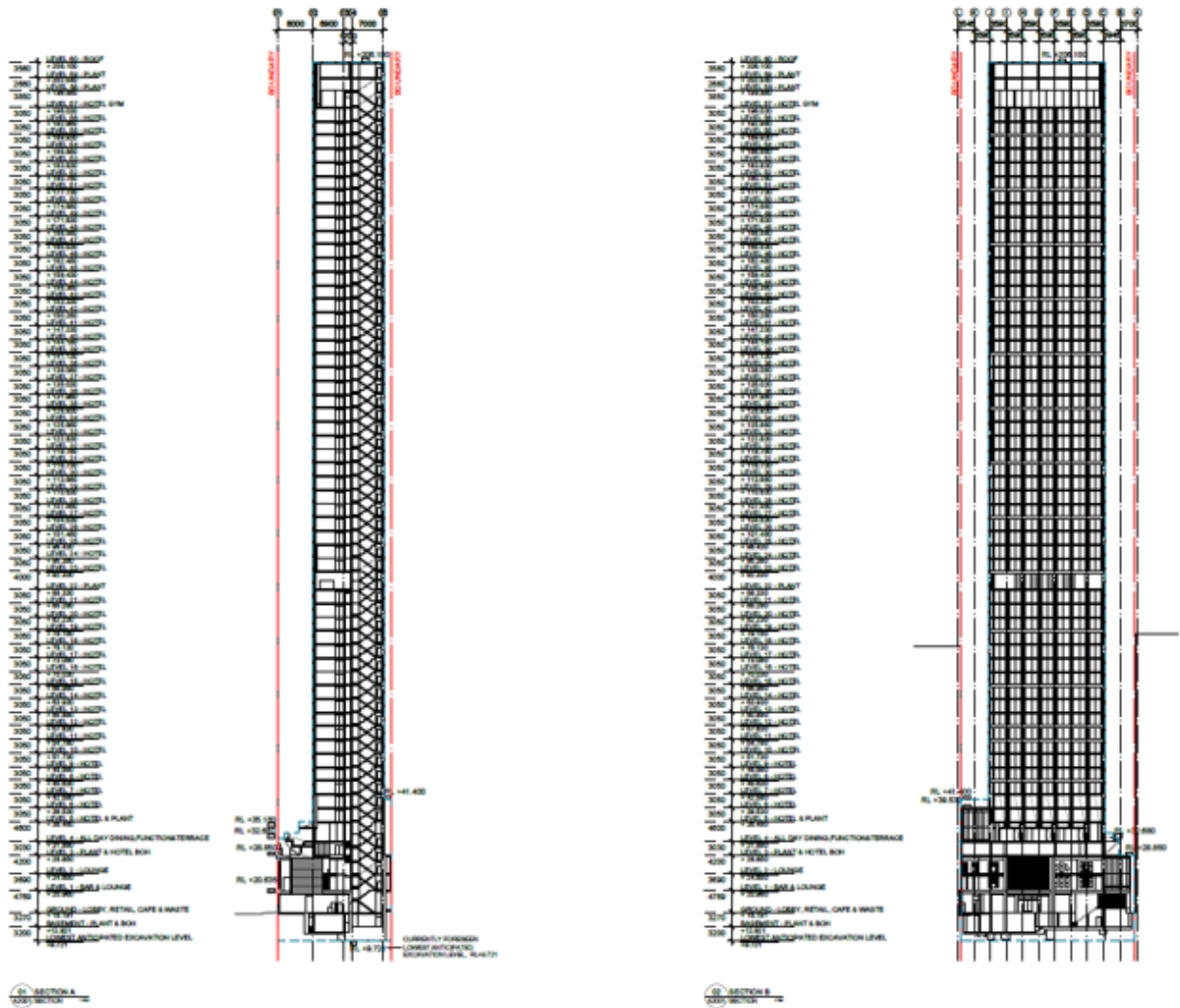


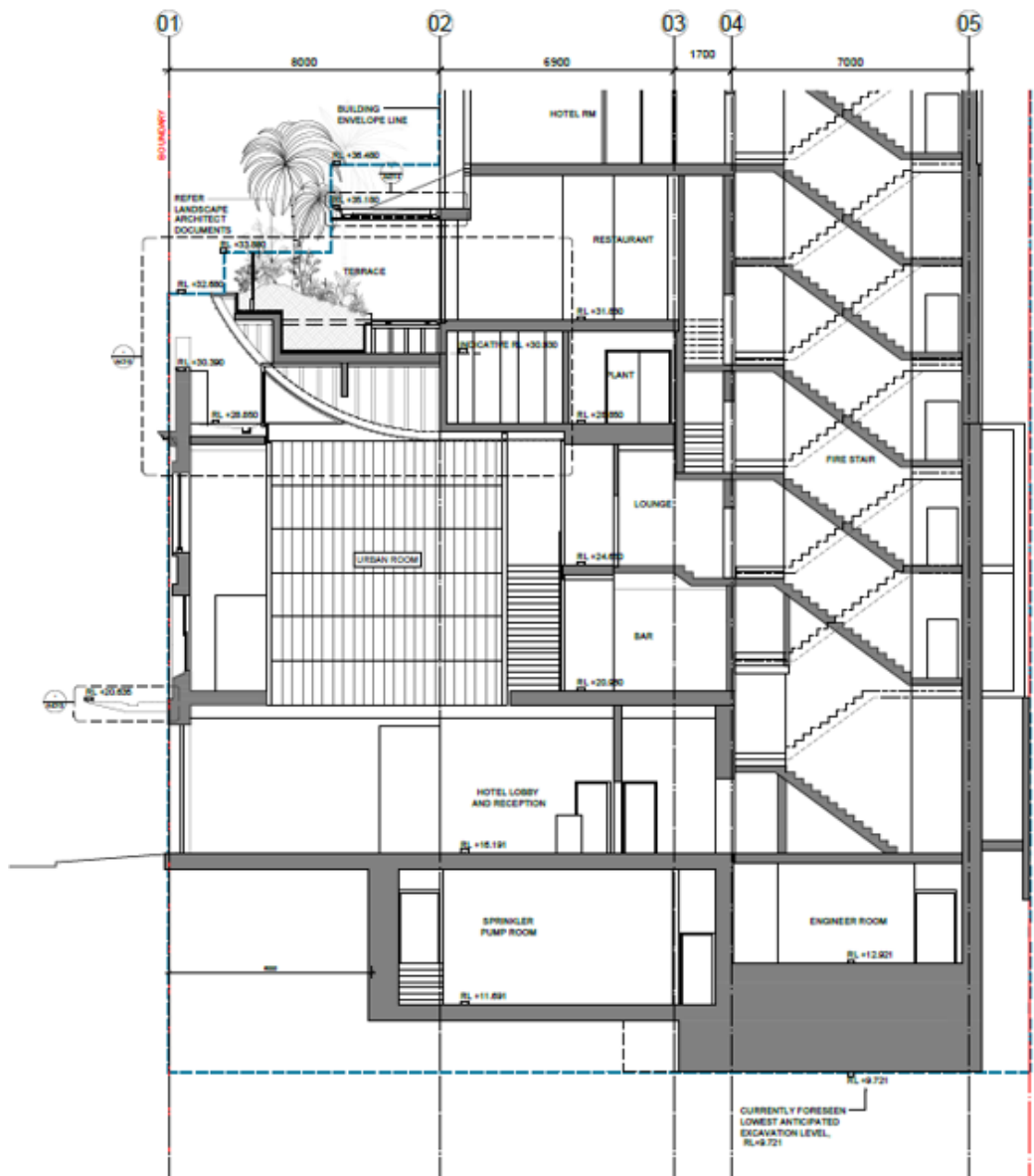
Figure 27 | North elevation of tower (Source: RtS architectural plans)



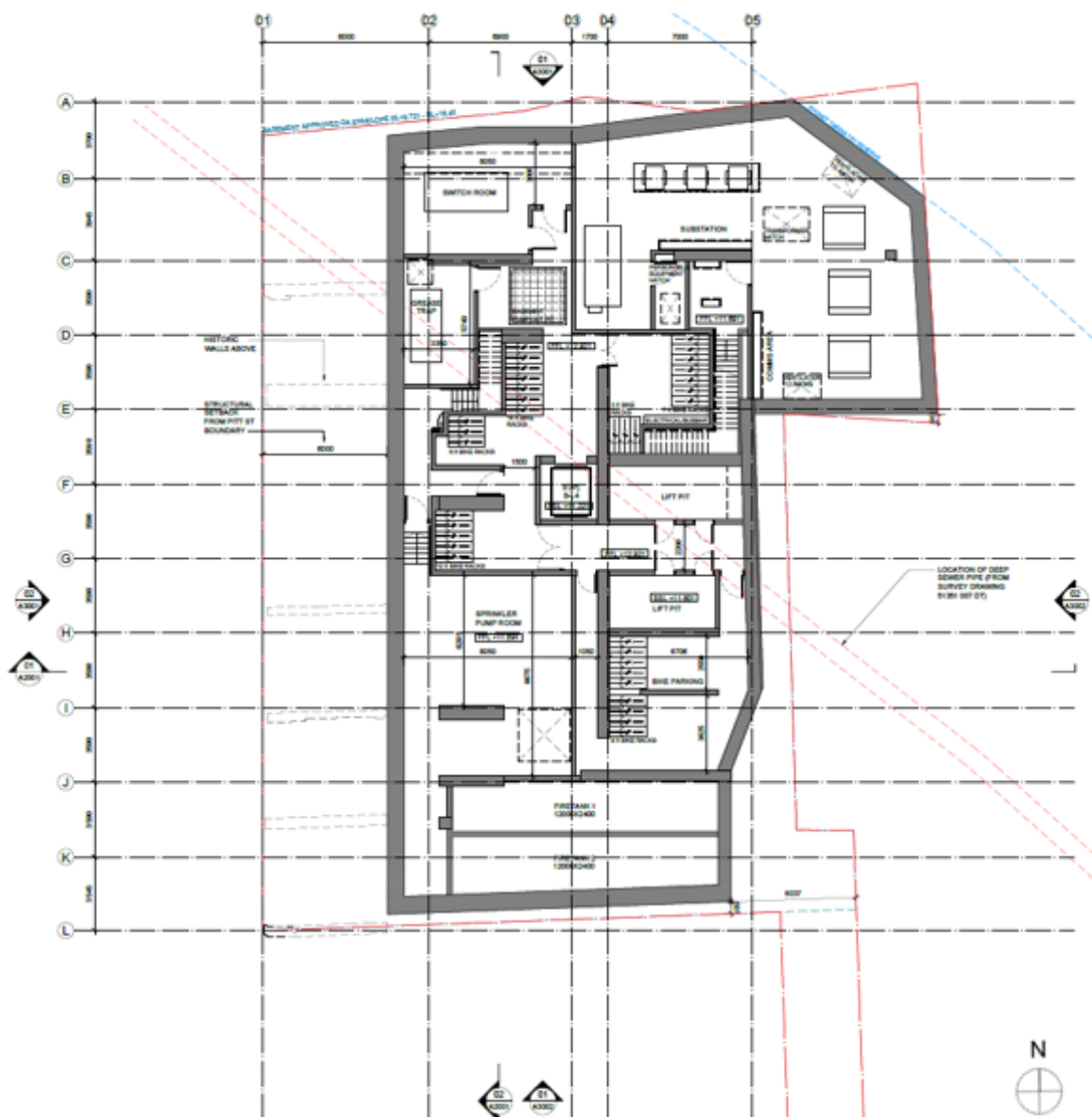




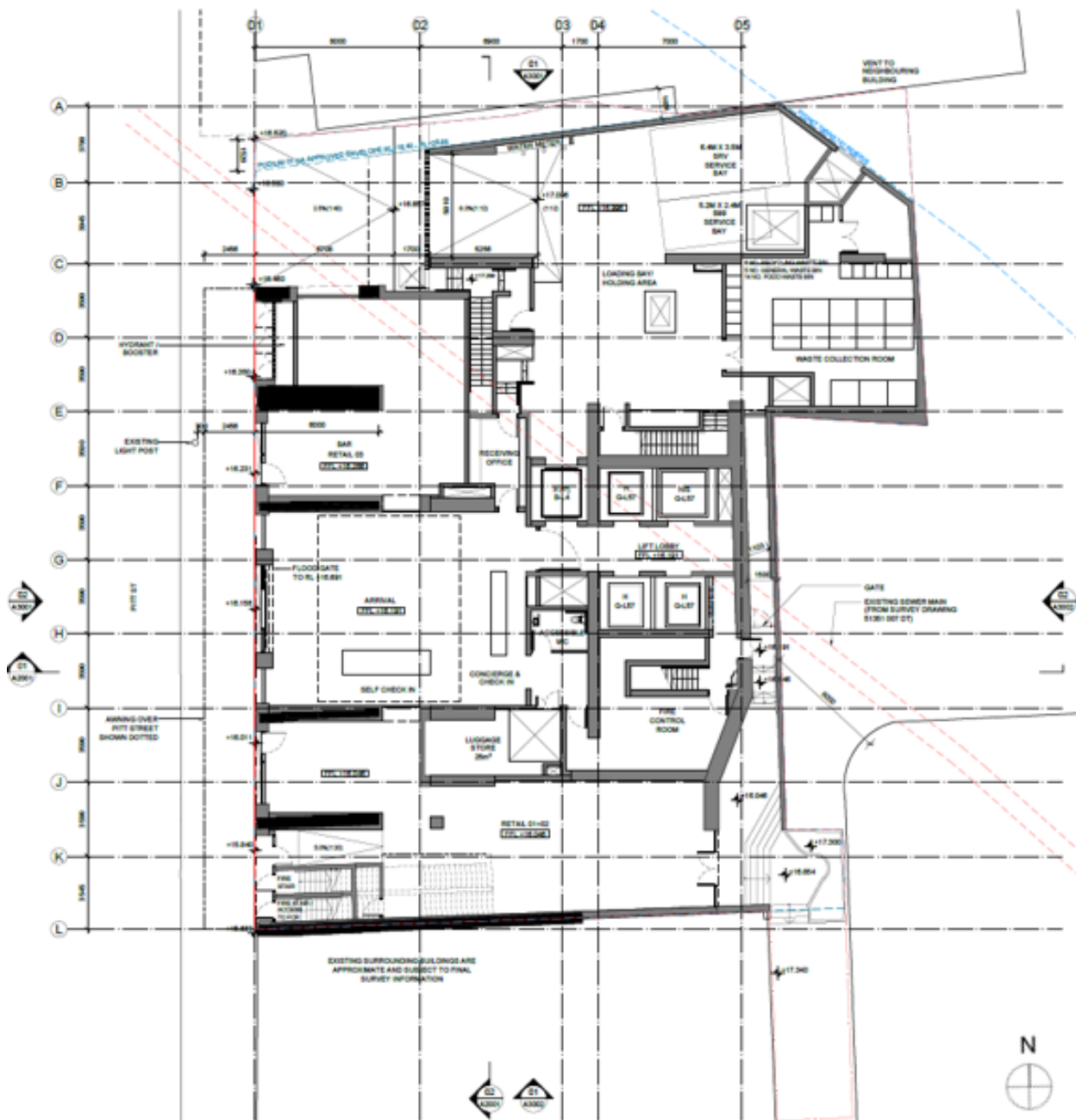
**Figure 29** | Sections (A+B) through tower (Source: RtS architectural plans)



**Figure 30** | Section through the podium (Source: RtS architectural plans)



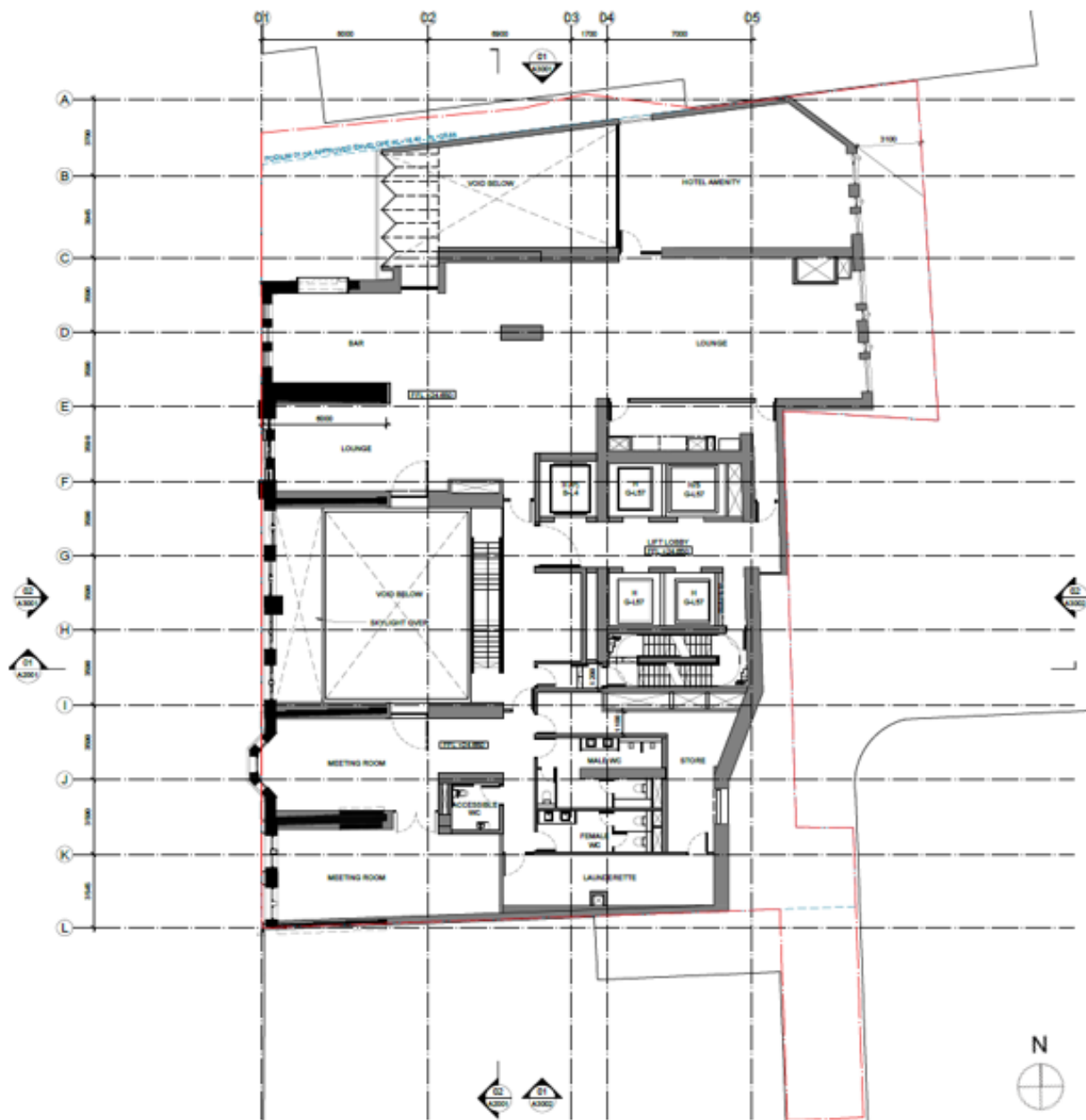
**Figure 31** | Proposed basement floor plan (Source: RtS architectural plans)



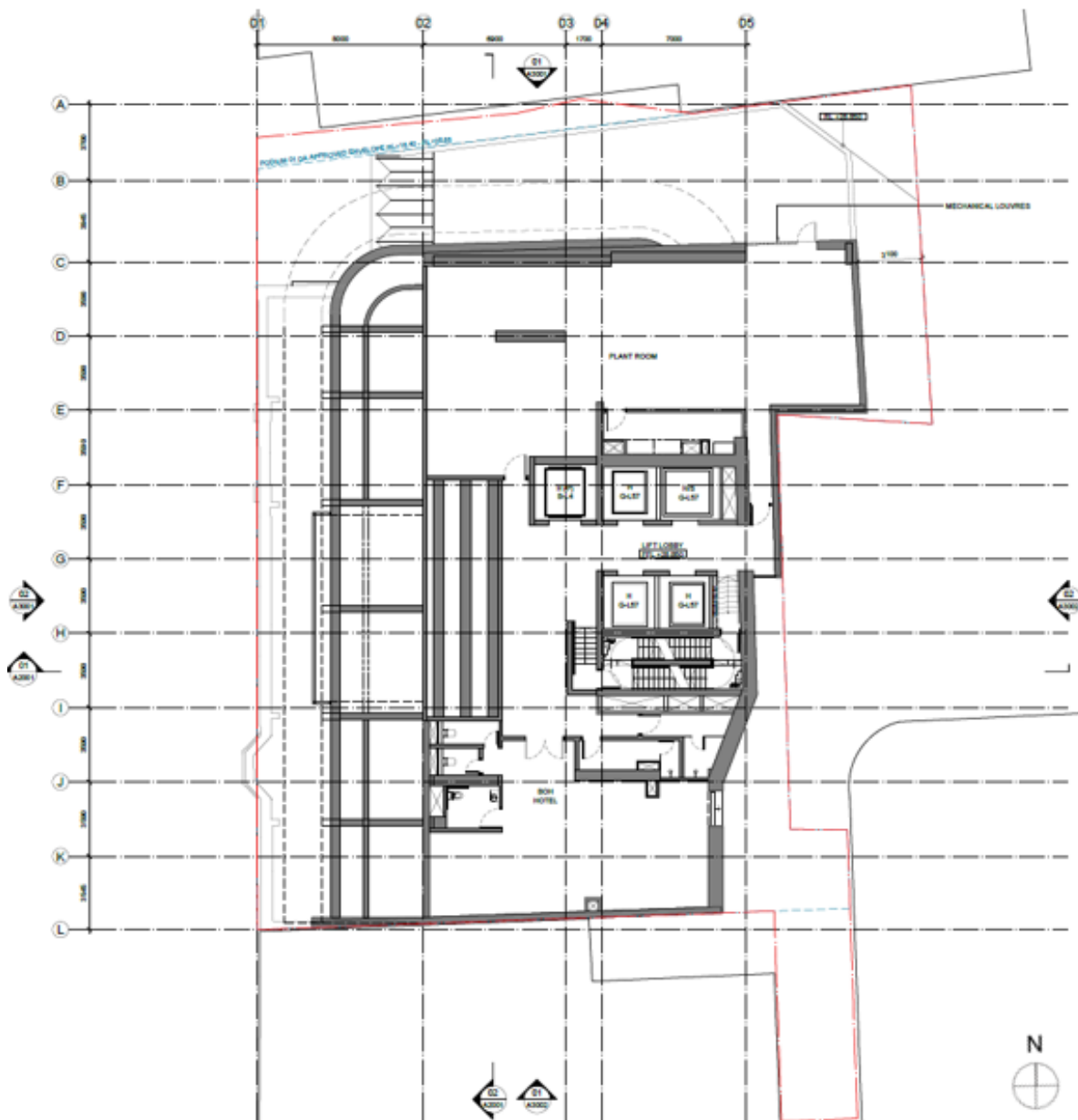
**Figure 32 |** Proposed ground floor plan (Source: RtS architectural plans)



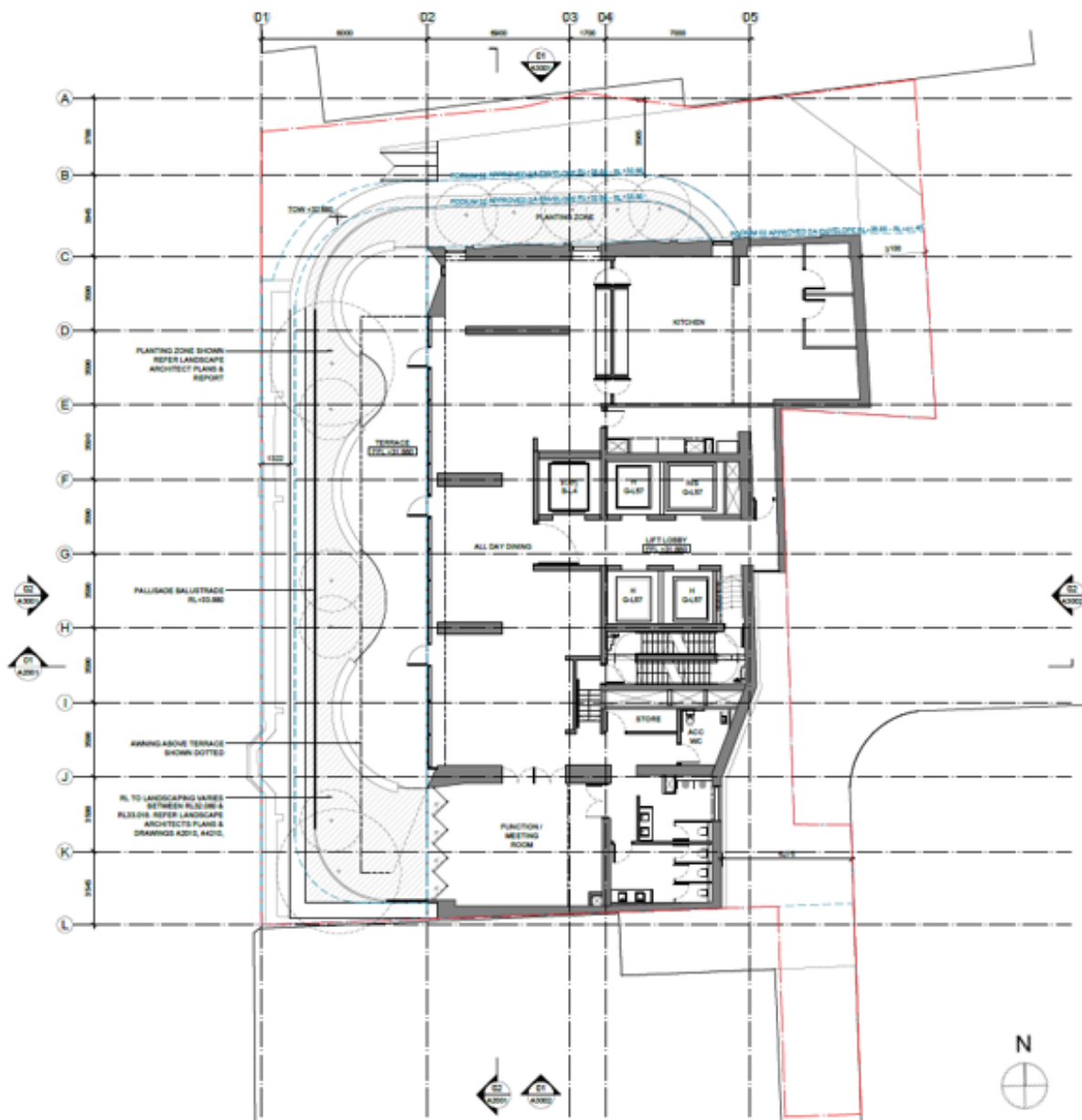




**Figure 34** | Proposed second floor plan (Source: RtS architectural plans)

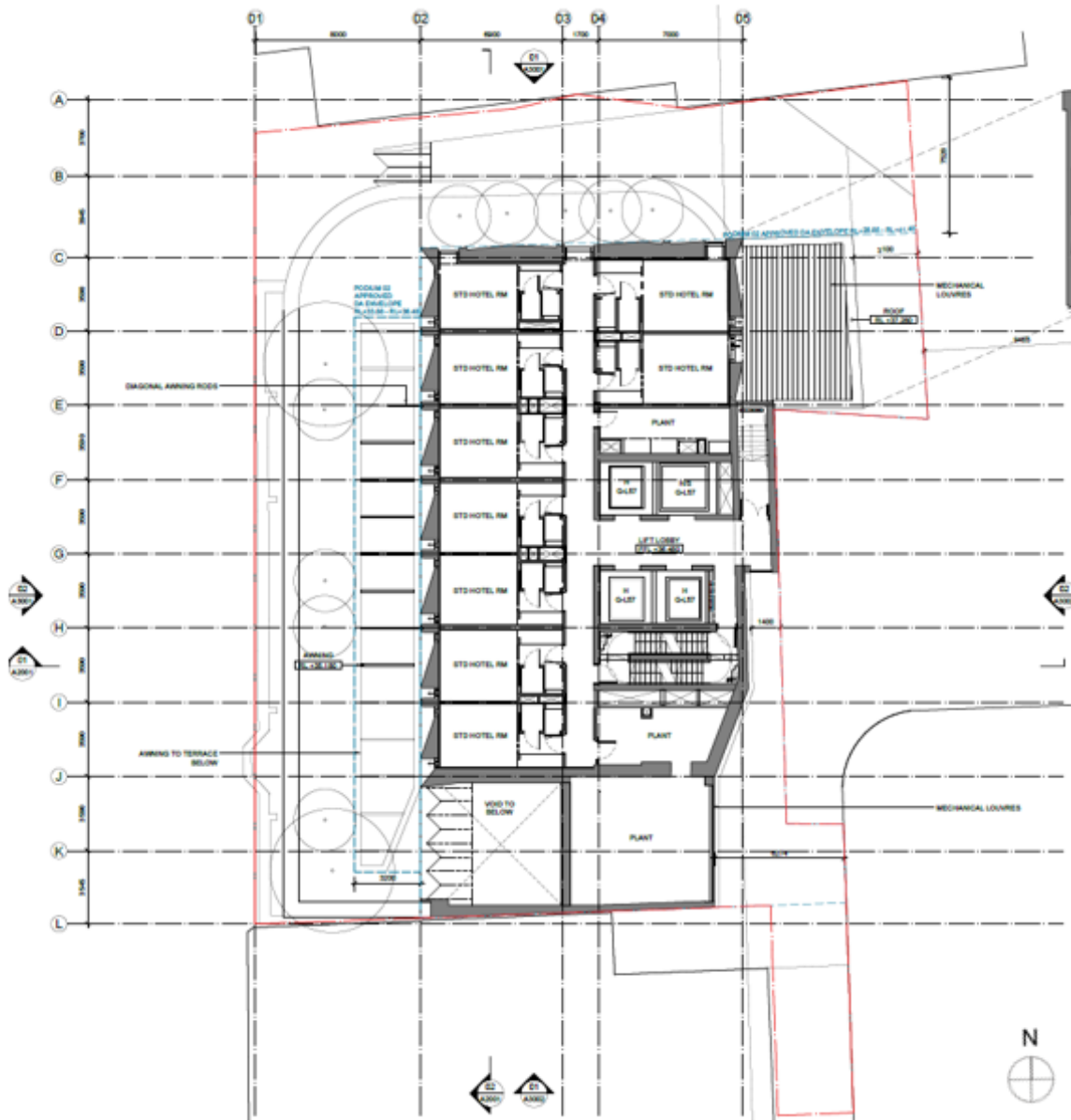


**Figure 35** | Proposed third floor plan – top of lower podium (Source: RtS architectural plans)

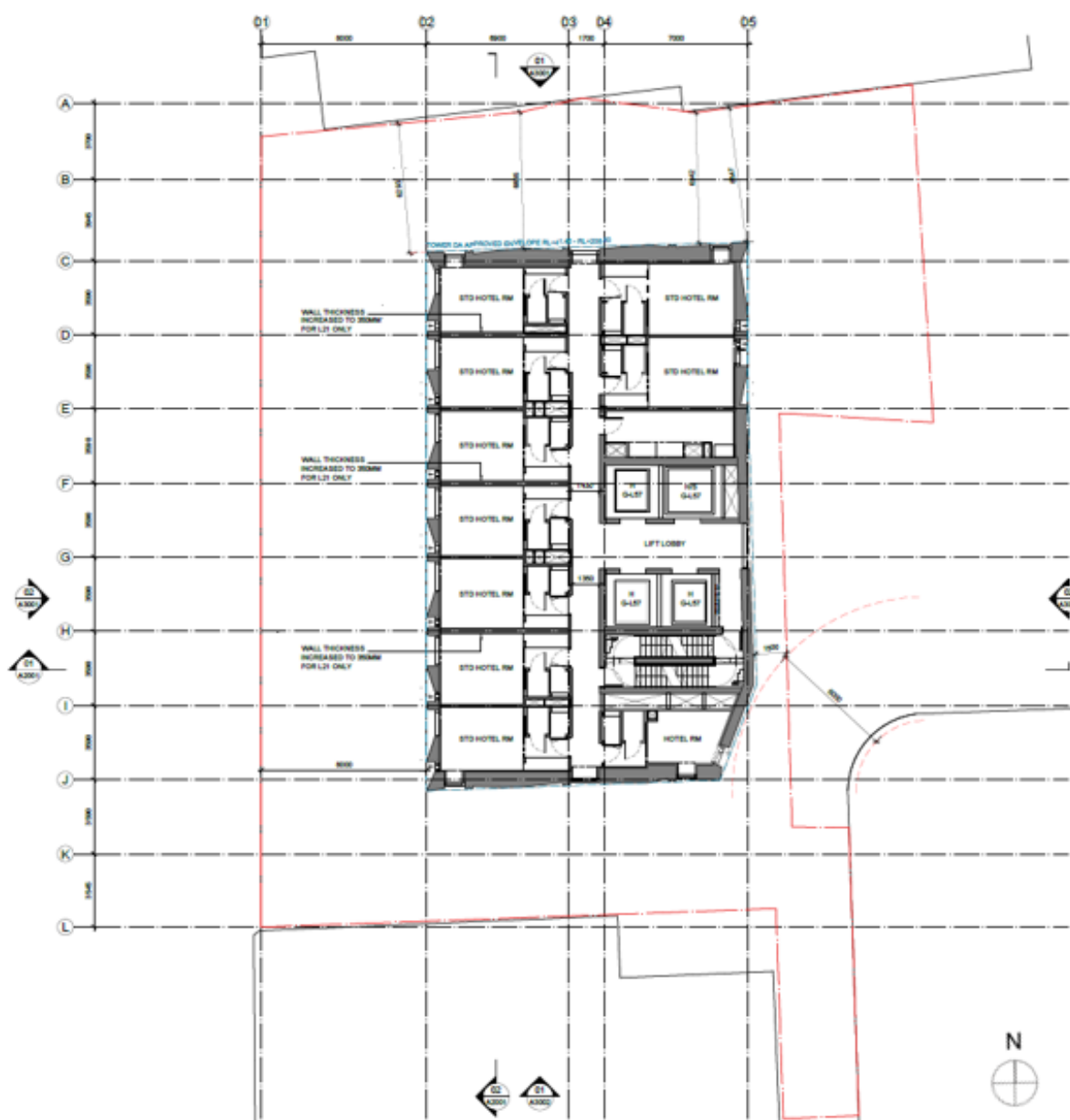


**Figure 36** | Proposed level 4 (landscape 'vessel') floor plan (Source: RtS architectural plans)





**Figure 37** | Proposed level 5 floor plan – upper podium (Source: RtS architectural plans)



**Figure 38** | Typical hotel floor plan (Source: RtS architectural plans)

## 2.3 Uses and activities

The application seeks consent for the redevelopment of the site primarily for the purpose of 'hotel accommodation', with ancillary retail premises at ground floor. The development will provide:

- 509 hotel rooms, hotel bars, lounge and amenity areas, meeting and function rooms and all day dining; and
- Retail and food and drink/bar tenancies at ground floor.

The hotel and associated hotel facilities will be operational 24 hours, 7 days per week. The proposed operational hours for the publicly accessible food and beverage facilities are:

- Ground floor café: 7:00am to 9:00pm, 7 days per week.
- Ground floor retail: 7:00am to 10:00pm, 7 days per week.

- Level 1 bar: 4:00pm to 11:00pm, 7 days per week.
- Level 2 hotel lounge: 24 hours for in house guests.
- Level 4 all day dining restaurant: 7:00am to 10:00pm, 7 days per week.

The maximum capacity for visitors and guests on the site at any one time is 1,100 people. This includes capacity for 1,029 hotel guests and 71 staff.

## 2.4 Timing

The development will be delivered in one stage; however, construction will be carried out within four discrete stages of commencement that will be the subject of separate Construction Certificates (CCs). The indicative staging of construction certificates is outlined in **Table 4** below.

**Table 4** | Construction staging strategy

Aspect	Description
<b>CC1</b>	Earthworks / Earth Retaining and Stabilising Structures (ERSS) / Excavation and Demolition / Piling
<b>CC2a</b>	Substructure / Superstructure / Architectural Walls / Facade / MEP (Electrical / Mech / Fire / Plumbing / Plant and equipment)
<b>CC2b</b>	Interior Fit-out: Bathpod, Commercial Areas FFE / Lighting
<b>CC3</b>	Facade Services Fit-out

### 3 Strategic context

The project is consistent with the strategies, plans and policies outlined in **Table 5** below, and therefore considered appropriate for the site.

**Table 5 | Summary of government strategies, plans and policies**

Strategy, plan or policy	Consistency	Comments
<b>Greater Sydney Region Plan – A Metropolis of Three Cities</b>	Consistent	<p>The Greater Sydney Region Plan (GSRP) supports a 40-year vision for a metropolis of three cities that will rebalance growth and deliver its benefits to residents across Greater Sydney. The site is located within the Harbour CBD.</p> <p>The proposed redevelopment of the site and provision of visitor accommodation and retail premises is entirely aligned with the Government's vision expressed within the Regional Plan.</p> <p>The project is consistent with the following objectives:</p> <ul style="list-style-type: none"> <li>• The proposal has undergone an Architectural Design Competition to ensure a high-quality design is delivered for the development and its location. The development achieves a high-quality tower, that will contribute to the built environment for a more attractive, safe, clean central CBD location (Objective 12).</li> <li>• The design has sympathetically considered and responded to the heritage façade and surrounding heritage items, including the Masonic Centre (Objective 13). The proposed design expertly integrates the retained façade with the podium and slender tower form through the choice of materials and finishes.</li> <li>• The proposal will deliver additional economic activity and food and beverage facilities within a highly accessible location, contributing to the achievement of a '30 Minute City'. Further leveraging the significant investment made by the NSW government in additional public transport infrastructure within the Sydney Metro (City and Southwest, and West). The proposal will optimise the site's positioning which is at a well-connected transport node within the central CBD district, presenting a unique opportunity to align development and city-shaping infrastructure, emphasising high levels of services and accessible employment opportunities for surrounding residents of the region (Objective 14).</li> </ul>
<b>NSW Visitor Economy Strategy 2030</b>	Consistent	<p>The proposal will directly respond to the NSW Visitor Economy Strategy 2030's objectives through private sector investment in visitor infrastructure within a highly connected and accessible location, supporting industries involved in the visitor economy. The</p>



Strategy, plan or policy	Consistency	Comments
		<p>proposal represents a \$186,906,094 direct investment in the visitor economy through the capital investment value of the hotel component of the development. The proposal will result in employment generation in the visitor and hospitality sector, attracting domestic and international investment within the Central Sydney and improving visitor experience for future visitors to the development site.</p> <p>The provision of the food and beverage offerings within the development proposal will activate the precinct throughout the day and into the night-time, contributing to the 24-hour economy and the broader visitor economy.</p>
<b>Eastern City District Plan</b>	Consistent	The proposed development will assist the City of Sydney in achieving the overarching priorities of the recently released Eastern City District Plan, including driving the growth of the Eastern City as a global leader; increasing total jobs and providing hotel accommodation close to public transport and services.
<b>NSW State Infrastructure Strategy (SIS) 2022 – 2043</b>	Consistent	The application delivers on the strategic directions set out in the SIS as it will increase density in an urban location with convenient access to public transport. It will leverage from the existing significant infrastructure and amenity in the locality to provide a mixed-use development that will further contribute to the growth and amenity of the Metropolitan CBD and competitiveness of the Harbour CBD, as well as improving Sydney's economy as the cultural capital of NSW enhancing ability to attract global investment and talent.
<b>NSW Future Transport Strategy (Future Transport)</b>	Consistent	<p>The proposal is well aligned with the NSW Future Transport Strategy. It will deliver key hotel floor space in a highly accessible location close to many forms of public transport. The development will improve the public domain and accessibility. The allocation of bicycle spaces for both employees and patrons of the hotel is key in reducing transport environmental impacts. The proposal will provide bicycle and end of trip facilities which will promote the use of sustainable transport. The proposal will not provide car parking which will reduce the use of personal vehicles for travel and increase public and active transport usage. The proposal is aligned to the 'Successful Places' and 'Strong Economy' outcomes, locating employment generating floor space in a strategic location close to a number of public transport options. The application adopts world-leading sustainability initiatives in accordance with Future Transport's identified long term sustainability actions.</p>

Strategy, plan or policy	Consistency	Comments
<b>Central Sydney Planning Strategy (CSPS)</b>	Consistent	The proposed hotel aligns with the key moves of the Central Sydney Planning Strategy (CSPS). The proposal will generate jobs through construction and operation of the hotel. The hotel responds to the heritage context with surrounding heritage items whilst respecting the retained historic façade. The site is also located within a high density zone identified within the CSPS Structure Plan. The proposal will provide additional employment within this high density 'tower cluster' area of the Sydney CBD which is a key move under the CSPS.
<b>City Plan 2036</b>	Consistent	<p>The site is located within the Chinatown and CBD South Village. As identified in the City Plan 2036, the village includes major tourism destinations, bustling retail and entertainment uses and a cluster of hotels and backpacker hostels, making this a diverse and vibrant village. The proposal for a mixed-use development (predominantly comprising a hotel) aligns with the character of the area.</p> <p>The proposal will deliver 16,144sqm of gross floor area in a well-connected locality within Central Sydney. This includes 14,295sqm of hotel and 1,849sqm of retail floor space that will consist of a publicly accessible restaurant and bar. This will support the growing area that is already well established, to better facilitate tourism and visitor economy and an enhanced visitor experience. The site will contribute to the Central Sydney and Greater Sydney region through provision of employment generating floorspace, high quality visitor accommodation, food and beverage premise and addition of a high-quality tower form within the Central Sydney.</p>
<b>Sustainable Sydney 2030-2050</b>	Consistent	<p>Sustainable Sydney 2030-2050 Continuing the Vision is the City of Sydney's vision for a sustainable future. The proposal is consistent with the following principles:</p> <ul style="list-style-type: none"> <li>• The proposal is designed to achieve a 4.5-star Star NABERS Energy Hotel design standard, 4-star Star NABERS Water Building rating (hotel) and a 4-star green Star rating.</li> <li>• The development will make a notable contribution to Sydney as a global city by providing world class hotel accommodation that will encourage an international gateway to tourism and encourage business activity and employment in the city centre.</li> <li>• The proposal will deliver improvements to the ground floor plane and improved pedestrian access, connectivity and amenity into and around the site. The proposal will also encourage the use of active transport options, particularly</li> </ul>

Strategy, plan or policy	Consistency	Comments
		given its location within the CBD which benefits from immediate access to multiple public transport options.

## 4 Statutory context

### 4.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in **Table 6** below.

**Table 6** | Permissibility and assessment pathway

Consideration	Description
<b>Assessment pathway</b>	<p>The proposal is a State Significant Development Application in accordance with Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as it comprises a new hotel accommodation development with an estimated development cost greater than \$100 million in accordance with clause 13(2)(a) Cultural, recreation and tourist facilities.</p> <p>It is noted that the subject application was lodged prior to 13 December 2024, when clause 13(3) of the SEPP was introduced, allowing hotel accommodation of any value to be assessed and determined by the City.</p>
<b>Consent authority</b>	<p>On 2 May 2024, Secretary of the Department of Planning, Housing and Infrastructure delegated responsibility for the assessment of the application (and related functions) to the City. On 5 May 2024, the Minister for Planning and Public Spaces delegated consent authority functions to the City in respect of the application.</p>
<b>Permissibility</b>	<p>The project is located within the SP5 – Metropolitan Centre zone under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed hotel accommodation and ancillary retail premises are permissible with consent in this zone.</p>

### 4.2 Other approvals and authorisations

The project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

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

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project. The City has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 5** and **Section 6**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix D**).



### 4.3 Planning Secretary's environmental assessment requirements

The City's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 19 December 2023 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

### 4.4 Mandatory matters for consideration

#### 4.4.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The City's consideration of these matters is shown in **Table 7** below.

**Table 7** | Matters for consideration

Matter for consideration	City's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B – Statutory considerations
EP&A Regulation	Appendix B – Statutory considerations
Likely impacts	Section 6 - Assessment
Suitability of the site	Section 1.4 - Project background, Section 3 - Strategic Context and Section 6 - Assessment
Public submissions	Section 5 – Engagement, Section 6 – Assessment & Appendix C – Response to community submissions
Public interest	Section 5 - Engagement, Section 6 - Assessment & Section 7 - Evaluation

#### 4.4.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B**.

As a result of the analyses in **Appendix B**, the City is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

#### 4.4.3 Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency

Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 17 January 2024. The Director, Greater Sydney Branch Biodiversity, Conservation and Science Group and the A/Team Leader, Key Sites Assessments of the Department of Planning, Housing and Infrastructure as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 20 February 2024.

# 5 Engagement

## 5.1 Preparation of SEARs

During the preparation of the Planning Secretary’s environmental assessment requirements, the Department consulted with relevant state government agencies and the City of Sydney.

## 5.2 Exhibition of the EIS

### 5.2.1 Public exhibition of the EIS

In accordance with Schedule 1 of the EP&A Act and the City’s Community Participation Plan, the City of Sydney publicly exhibited D/2024/446 (SSD-65204458) for 28 days from 24 June 2024 to 22 July 2024. The application was made publicly available on the City’s and Department of Planning, Housing and Infrastructure’s (the Department’s) websites.

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

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

### 5.2.2 Summary of advice received from government agencies

The City received advice from seven government agencies on the EIS.

A summary of the agency advice is provided in Table 8. A link to the full copy of the advice is provided in **Appendix A**.

**Table 8 | Summary of agency advice**

Agency	Advice summary
<b>Ausgrid</b>	Standard advice was provided regarding underground services during excavation, proximity to an Ausgrid chamber substation, existing poles as well as new connections.
<b>Department of Climate Change, Energy, the Environment and Water (Heritage Council of NSW/Heritage NSW)</b>	Heritage NSW advised that copies of the unredacted Aboriginal Cultural Heritage Assessment and the Archaeological Research Design and Field Methodology (as recommended in the Archaeological Assessment) be submitted for review and comment. An appropriate condition is recommended.
<b>Sydney Water</b>	The site is traversed by a critical wastewater trunk. Sydney Water advised on 12 July 2024 that the proposal does not comply with Sydney Water’s Technical Guidelines – Building over and adjacent to pipe assets. Building over the trunk is not permitted without Sydney Water’s approval and a Letter of Conditions (with approval) is required to be sought as part of the Out of Scope Building

Agency	Advice summary
	<p>Plan Approval (OOSBPA) before the referral can be completed and approval for the development is granted.</p> <p>The applicant has since lodged an OOSBPA but approval has not been granted at the time of assessment. The applicant also has a Section 73 Compliance Certificate case (to determine what services are needed for the development) with Sydney Water.</p> <p>Noting that Sydney Water's comments are not required formally by the Sydney Water Act 1994 before the application can be determined, it is recommended that a condition be imposed requiring approval of the OOSBPA and compliance with any conditions Sydney Water recommend as part of that approval, prior to the commencement of any works on site. Additionally, Sydney Water standard requirements (such as Sydney Water tap-in) which have been imposed as part of the amending Concept DA are to be incorporated into this consent.</p>
<b>Sydney Airport</b>	<p>Sydney Airport advised that the development will penetrate 50.1m into the prescribed airspace. Approval was granted on 27 September 2024 for the controlled activity, with conditions to be imposed.</p>
<b>Sydney Metro</b>	<p>The application was referred to Sydney Metro as the site is above the City and South West tunnel 2<sup>nd</sup> reserve. Sydney Metro initially requested additional information with regard to a detailed survey plan, a copy of the current land title including all easements, as well as geotechnical and structural reports, construction methodology, risk assessment and an electrolysis report.</p> <p>The applicant provided a response to the above issues on 31 January 2025. Sydney Metro provided assurance on 29 April and 1<sup>st</sup> May 2025 that concurrence is forthcoming. It is therefore recommended that determination of the application be delegated to the Chief Executive Officer of the City of Sydney, pending the receipt of conditions.</p>
<b>Sydney Trains</b>	<p>Sydney Trains initially requested additional information in relation to the potential effects of the development on the safety and structural integrity of the rail infrastructure, as well as the safe and effective operation of the rail infrastructure.</p> <p>The applicant provided a response to the above issues on 31 January 2025. Sydney Trains provided concurrence on 2 April 2025.</p>
<b>Transgrid</b>	<p>Advice was received that the development did not affect any Transgrid assets, and no comment would be provided.</p>
<b>Transport for NSW (TfNSW)</b>	<p>TfNSW advised that they had no objection to the application, subject to standard conditions including the preparation and approval of a Construction Pedestrian and Traffic Management Plan and Road Occupancy Licence.</p>



### 5.2.3 Key issues raised by City staff

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

#### **Urban Design**

- Setback of the landscape ‘vessel’ by at least 1m, to allow more light into the lower podium levels and reduce the visual impact on the historic façade below.
- The building articulation of the lower floor of the tower is to revert back to a design similar to that of the competition proposal, with greater depth to the facade.
- The lantern form at the top of the building is a key feature of the scheme, and the competition proposal with illumination in all directions is to be retained.
- Natural light to the lift lobbies is inadequate at the upper levels and requires further consideration.
- The car park entry and laneway to the north of site is very utilitarian and further refinement to the interface on the northern boundary and paving is recommended.
- The modified building envelope is to be overlayed on the Level 4 and Level 5 plans and sections of the detailed design to compare the change relative to the proposed detailed design.
- A signage strategy is to be submitted.

#### **Contamination**

- Provide additional information to confirm the contamination status of the property, including a Detailed Site Investigation and Remediation Action Plan with Site Audit Statement.

#### **Public Domain**

- Provide further justification for the use of flood gates.
- Submit an updated MUSIC-Link Stormwater Report.
- Provide revised levels and gradients with longitudinal and cross sections.

#### **Landscape**

- The building design is to account for any required shade and wind mitigation methods to ensure rooftops and podium communal open space are useable and can achieve wind safety and comfort standards.
- A detailed set of landscape plans are to be submitted to ensure a coordinated and complete design, with structural information supporting the landscape ‘vessel’.
- An updated roof plan is to be submitted with inaccessible green roofs to 30% of the roof area and green roof detail.

#### **Public Art**

- The Preliminary Public Art Plan is to be amended to address the public art opportunities and budget.

## Noise

- A detailed Acoustic Assessment assessing all operational noise sources from the development is to be submitted.

## Waste Management

- Architectural drawings are to be coordinated with the Waste Management Plan submitted with the proposal, including provision of bulky waste storage areas, bin handling equipment, layout and number of bins required for the development.

The above matters have been addressed through subsequent amendments as part of the RtS report and via recommended conditions of consent. See **Section 5.3**, which provides a summary of the changes made to the proposal.

### 5.2.4 Summary of public submissions

During the exhibition period, the City received 5 submissions<sup>1</sup> and the Department received 1 submission during the public exhibition period of the EIS. Of the submissions received, all were objecting to the proposal raising various areas of concern.

All submissions were made by or on behalf of owners or tenants within buildings located in the immediate vicinity of the subject site.

**Table 9** below and a link to all submissions in full is provided in **Appendix A**. A detailed response to public submissions is provided in **Appendix C**.

**Table 9** | Submissions on the EIS

Submitter	Number of submissions	Position
Submissions from community members < 5 km	6	Object
	0	Support
	0	Comment
<b>TOTAL</b>	<b>6</b>	

The key issues raised by the public relate to construction impacts, the use of Carruthers Place as part of the redevelopment of the site, loss of light to public domain and overshadowing of neighbouring apartment buildings, inconsistency of the proposal with the approved concept building envelope and the scale of the development.

**Table 10** | Key issues raised in submissions on the EIS

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

Issue	% of Submissions
<b>Construction impacts</b> – demolition and construction period (noise, vibration and dust) will have an impact on the operation of surrounding businesses and their plant equipment. Risk of ground displacement / undermining of support to foundations of surrounding buildings.	2 (20%)
<b>Carruthers Place</b> – proposal has the capacity to impede egress from fire doors, fire control room and boosters of neighbouring property to the north – during construction and occupation of the building. Car park located behind the subject site currently uses Carruthers Place for vehicular access and will be landlocked as a result of the development. Easements/approvals have not been taken into account. Carruthers Place is meant to be a public laneway and constructing within this laneway is a breach of previous approvals granted by Council for the construction of 370 Pitt Street. Carruthers Place provides access, air, light and ventilation to the building and there will be a substantial loss of amenity as a result of this proposal.	4 (40%)
<b>Loss of light to public domain</b> – relating to the proposed landscape 'vessel' exceeding the approved podium height and disproportionate scale of the development.	2 (20%)
<b>Pedestrian safety</b> - in relation to the use of Carruthers Lane by pedestrians (existing the fire stair of 370 Pitt Street or walking along Pitt Street) in conflict with service vehicles.	1 (10%)
<b>Overshadowing to neighbouring apartment buildings</b> – particularly 91 Goulburn Street to the south-east of the subject site.	1 (10%)

### 5.3 Response to submissions

Following the public exhibition period, the applicant was asked to respond to the issues raised in public submissions and the advice received from government agencies and specialist internal units. The applicant provided a Response to Submissions (RtS) report to the City on 22 November 2024 and further additional information on 31 January 2025 (see **Appendix A** for link).

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

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

- The setback of the landscape 'vessel' by 1m to the Pitt Street boundary of the site.
- Removal of illuminated signage from the northern elevation.
- Increased window openings by 400mm for the hotel corridors on the north and south (side elevations).

- Change in finished floor level (FFL) for ground floor and basement levels, including the provision of a flood barrier in response to flooding requirements.
- Removal of one top of building signage zone at the south elevation.
- Marginal decrease in GFA from 16,180sqm to 16,144sqm.
- Internal reconfiguration of basement and Levels 1 & 2. The basement layout has also been amended to include additional bicycle parking (now 49 bicycle spaces).
- Decrease of number of hotel rooms from 517 to 509 as a result of internal configurations.
- Additional plant space on Levels 57, 58 and 59.
- An increase of approximately 162sqm of glazing on the top level for the north, east and south elevations to maximise glazing following a rationalisation of plant space.
- Additional documentation as requested to address landscape, waste, public domain, contamination, noise, public art concerns and issues raised by government agencies.



## 6 Assessment

### 6.1 Key issues

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

- Consistency with Concept Approval D/2021/1504 and Amending DA D/2024/36
- Design excellence
- Heritage and
- Carruthers Place

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

### 6.2 Consistency with Concept Approval D/2021/1504 and Amending DA D/2024/36

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

The concept approval relating to this proposal is D/2021/1504. This consent is for the concept building envelope with a maximum height of RL 206.1, for hotel and residential land uses and retail premises at ground floor, and vehicular and loading access from Carruthers Place.

An Amending DA, D/2024/36, seeks to replace the residential uses with hotel accommodation, as well as minor design changes to align with this SSD. The DA relies on the concept building envelope approved under D/2021/1504 and has the effect of modifying the concept development consent. The modifications have been assessed as acceptable, as outlined in the assessment report for D/2024/36 submitted concurrently with this application. The subject SSD is assessed on the basis that the Amending DA has been approved.

As outlined below, the detailed design proposal is consistent with the key (relevant) conditions imposed on the concept development consent.

**Table 11** | Key conditions of consent – D/2021/1504

Condition	Response
(4) Building Height	The proposal does not exceed the sun access plane.
(5) Floor Space Ratio	The proposal complies with the maximum permitted FSR for the site, including accommodation floor space bonuses and the 10% additional floor space pursuant to Clause 6.21D of the Sydney LEP 2012.

Condition	Response
	A condition relating to the purchase of heritage floor space is recommended.
(6) Compliance with concept envelope heights and setbacks	The proposal is consistent with building heights and setbacks established by D/2021/1504.
(7) Detailed design to be contained within approved envelope	The proposal is consistent with the approved plans in the amending concept approval D/2024/36. The changes to the envelope at level 4 above the historic lower podium have been assessed in this report and as part of D/2024/36 and are acceptable.
(8) Competitive Design Process.	<p>The proposal has been the subject of a competitive design process, conducted in accordance with the condition.</p> <p>The proposal is closely based on the winning scheme by KHA Architects, with the exception of the residential use, which is now no longer being pursued.</p> <p>The development is considered to achieve design excellence, satisfying Clause 6.21C of the Sydney LEP 2012 as discussed in <b>Section 6.3</b> of this report.</p>
(10) Geotechnical Report	A geotechnical report has been submitted, satisfying the requirements of the condition.
(11) Detailed design of building	<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 (with the exception of references to residential) as follows:</p> <ul style="list-style-type: none"> <li>• The proposed basement is offset 6m from the boundary. This zone contains the existing wall footings of the retained terrace facades and one bay deep of party walls. Geotechnical and structural advice has been submitted confirming that the footings will not be undermined by the proposed excavation.</li> <li>• New floor levels behind the retained façade meaningfully relate with existing floor levels and the façade itself.</li> <li>• The ground level space of the retained terraces is to be used as individual food and drink premises. A condition is recommended for all shopfronts at ground level to be reconstructed to interpret their original configuration and form,</li> </ul>

Condition	Response
	<p>as per the figures provided in the submitted Heritage Impact Statement.</p> <ul style="list-style-type: none"> <li>• The tower development is considered to achieve design excellence as detailed elsewhere in this report (see <b>Section 6.3</b>). The development provides an appropriate response to adjacent buildings; provides a safe environment in accordance with CPTED principles; and positively contributes to the Pitt Street streetscape.</li> <li>• The proposal provides landscaping at level 4 as part of a landscape 'vessel', which acts as a vessel for deep soil. The 'vessel' provides an accessible and inaccessible green roof, contributing towards the City's 'greening' targets.</li> <li>• The development has a driveway width of approximately 5.6m, in accordance with Section 3.11.11 of the Sydney DCP 2012.</li> <li>• An easement is proposed along the northern boundary of Carruthers Place for fire egress from The Chambers building at 362-370 Pitt Street, Sydney, with a minimum width of 1.484m. The easement is to encompass all fire doors along the southern elevation of The Chambers building and an appropriate condition is recommended to ensure this easement is registered on title.</li> <li>• The applicant has liaised with Sydney Water during the assessment of the application. As noted elsewhere, conditions are recommended to address Sydney Water requirements prior to the commencement of any work on-site.</li> <li>• Plant and lift overruns have been incorporated into the roof form of the building, with parapet screening so that they are not visible from the public domain.</li> </ul>
(12) Awning	<p>The proposed awning at ground floor is provided but is simplified and unified in form. A condition is recommended for the awning to be designed so that it refers to, and interprets the original form and detail, as per the Heritage Impact Statement.</p>

Condition	Response
(13) Stage 2 Development Application to comply with relevant planning controls	The proposal complies with the relevant planning controls, as detailed within this assessment report.
(14) Detailed Environmental Site Investigation Required	<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 D.</p>
(15) Structural integrity of retained building elements	<p>A detailed structural report has been submitted as required by this condition.</p> <p>The report details that the existing timber flooring and associated steel framing are to be demolished and replaced with reinforced and post-tensioned concrete slabs. New reinforced concrete columns are to be constructed adjacent the retained masonry piers and immediately adjacent the existing façade, ensuring that these elements attract no new loading due to the proposed tower.</p>
(17) Archaeological Assessment	<p>An archaeological assessment has been undertaken and submitted with the SSDA in accordance with this condition.</p> <p>The archaeological assessment report finds the site has archaeological potentials and suggests that a s140 permit application from HNSW is required.</p> <p>The assessment has been referred to HNSW, with appropriate conditions recommended.</p>
(18) Schedule of Conservation/ Reconstruction Works	<p>A schedule of conservation works has been submitted with the SSDA in accordance with this condition.</p> <p>The schedule of conservation works has been reviewed by the City's Heritage Specialist and is acceptable. A condition is to be imposed to ensure the works are carried out.</p>
(19) Ecologically Sustainable Development	An ESD strategy has been submitted with the subject application in accordance with the requirements of the condition and is assessed as acceptable.
(20) Public Art	A Preliminary Public Art Plan has been submitted with the subject application. The Preliminary Public Art Plan



Condition	Response
	<p>has been reviewed, and is considered acceptable, by the City's Public Art Unit.</p> <p>A condition is recommended to require a Detailed Public Art Plan to be developed prior to the commencement of above ground works, and to require the installation of public art prior to the occupation of the development.</p>
(21) Wind Assessment	<p>The proposal is accompanied by an amended wind statement in accordance with this condition. The development is not considered to result in any adverse impacts compared to the concept approval, given that the detailed design largely follows the approved envelope.</p>
(24) 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 recommended to ensure its recommendations are carried through to the certification, construction, and operational phases of the development.</p>
(25) Parking Design	<p>No car parking is proposed as part of this Detailed Design DA. However, service bays are to be designed in accordance with the relevant Australian Standard and an appropriate condition is recommended.</p>
(26) Security Gates	<p>No security gates are proposed as part of this SSDA.</p>
(27) On Site Loading Areas and Operation	<p>The subject application has demonstrated that all loading and unloading associated with the hotel use will be accommodated within the site.</p>
(28) Vehicles Access	<p>All vehicles are to enter and depart the site in a forward direction, via the driveway located on Pitt Street / Carruthers Place, in accordance with the condition.</p>
(29) Swept Path Analysis	<p>A swept path analysis has been provided in accordance with this condition. The analysis confirms that a courier and SRV are able to access the loading dock.</p>
(30) Service Vehicle Parking and Access	<p>The proposal demonstrates that an SRV can be accommodated within the site. As the development is no longer proposing residential, access for a 9.25m Council garbage truck is not required.</p>

Condition	Response
(31) Bicycle Parking and End Of Trip Facilities	Adequate bicycle parking and end of journey facilities have been proposed to satisfy the requirement of Section 3.11.3 of the Sydney DCP 2012. A condition is recommended to require the quantum and quality of these facilities to be carried through to the certification, construction, and operational phases of the development.
(32) Traffic Management Plan on Driveway / Single Lane Ramp	The traffic impact assessment submitted with the SSDA provides control measures, including markings, signage, bollards, convex mirrors and lights within the site to indicate traffic movement.
(33) Traffic Impact Assessment	A traffic impact assessment has been submitted in accordance with this condition. A condition is recommended in <b>Appendix D</b> to require a final loading dock management plan to be approved by the City prior to the occupation of the development, and the approved management plan to be implemented.
(34) Public Domain Survey (35) Levels and Gradients (36) Public Domain Concept Plan	A public domain concept plan has been submitted with the subject application as required by this condition.  Appropriate conditions are recommended in <b>Appendix D</b> to require public domain levels and gradients, as well as detailed public domain plans to be approved by the City's Public Domain Unit prior to the issue of any construction certificate.
(37) On-Site Detention (38) Stormwater and Drainage (39) Stormwater Quality Assessment	A stormwater management report and stormwater quality assessment have been submitted with the SSDA.  The stormwater report shows site stormwater draining to a water quality pit within the property then discharging via gravity to a stormwater line within the Pitt Street carriageway. This has been reviewed by Sydney Water as part of their referral process and has been accepted as part of their Notice of Requirements to the applicant.  The City's Public Domain Unit has reviewed the submitted information and appropriate conditions are recommended, as contained in <b>Appendix D</b> .
(40) Flood Planning Levels	A flood assessment report has been submitted, demonstrating that entry and floor levels from Pitt Street are compliant with the City's Interim Flood Policy. A set of stairs, north of the lift lobby, are

Condition	Response
	<p>approximately 0.9m below the floor planning level. The proposal has addressed the non-compliance by providing protection of the lift lobby via flood gates.</p> <p>The City's Public Domain Unit has reviewed the report and accepts the justification for flood gates in this instance.</p>
<p>(41) Existing and Proposed Easements</p> <p>(43) Consolidation Plan</p> <p>(44) Creation of a New Easement - Carruthers Place</p>	<p>Details of existing easements, rights of access and whether they will be maintained or extinguished are submitted with the application in accordance with the consent conditions.</p> <p>Appropriate conditions are recommended in <b>Appendix D</b> to address the need for a consolidation plan and creation of a new easement for Carruthers Place.</p>
<p>(46) Signage Strategy</p>	<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 a condition regarding the width of the under awning signs, as contained in <b>Appendix D</b>. This is also assessed in <b>Appendix B</b>.</p> <p>Other conditions are also recommended 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>
<p>(47) Waste Management Plan and Waste Facilities</p>	<p>A waste management plan has been 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 to ensure waste is managed on site in accordance with the City's Guidelines for Waste Management in New Development 2018.</p>
<p>Concurrence Conditions</p> <p>(48) Ausgrid - Underground Cables</p> <p>(49) Sydney Metro</p> <p>(50) Sydney Water – Consultation</p> <p>(51) Sydney Water - Water Servicing</p> <p>(52) Sydney Water – Building Plan Approval</p>	<p>The required documentation has been submitted with the subject application as required by these conditions.</p> <p>The subject application has been referred to Ausgrid, TfNSW, Sydney Trains, Sydney Metro and Sydney Airport who have raised no objections to the proposed development, subject to conditions.</p> <p>Sydney Metro has indicated that concurrence is forthcoming, and these conditions will be required to be</p>

Condition	Response
(53) Sydney Water – Out of Scope Building Plan Approval	complied with when received. An appropriate condition is recommended to address this.
(54) Sydney Water – Tree Planting	With regard to Sydney Water requirements, conditions are recommended to ensure the necessary approvals are obtained prior to any work commencing on-site.
(55) Sydney Water – Trade Wastewater Requirements	
(56) Sydney Water – Backflow Prevention Requirements	
(57) Sydney Water – Water Efficiency Recommendations	
(58) Sydney Water – Contingency Plan Recommendations	
(59) Transport For New South Wales / Roads Maritime Services	
(60) Sydney Airport Corporation	

## 6.3 Design excellence

The applicant has undertaken a competitive design process in November 2022 – February 2023, with the winning architects being KHA + Crone. In the opinion of the panel, this scheme was most capable of achieving design excellence, subject to the retention of, and improvement on, a number of key design aspects.

In October 2023, the new landowner undertook a design review process, outside of the requirements or oversight of the City. The design review process sought the jury's support for a change of use to hotel as well as minor design changes. A summary of the process was provided by the Applicant as part of the EIS for the SSDA, with considerations as follows:

- Further consideration of the façade, and plant room arrangement.
- Support for the proposed 300mm reduction in the landscaped 'vessel's' height (provided that the vessel is not substantially recessed). The landscape 'vessel' should remain visible to people passing by at the street level.
- The public nature of the urban room and the idea of a 'room within the City' be reinstated where possible.
- Support for the proposed façade articulation. It was suggested that further consideration be given to maintaining the extent of variation to the façade.
- The provision of hotel rooms on Levels 1 and 2 within the podium creates a tension between the public nature of the urban room and privacy expected by hotel guests. Suggestion to reinstate the internal stairs within the podium to improve activation to the urban room.
- Queried how sandstone tiles would work for the landscape 'vessel'.
- Further consideration be given to the extent of light that can be brought into the podium (and its relationship to the height/location of the landscape 'vessel').

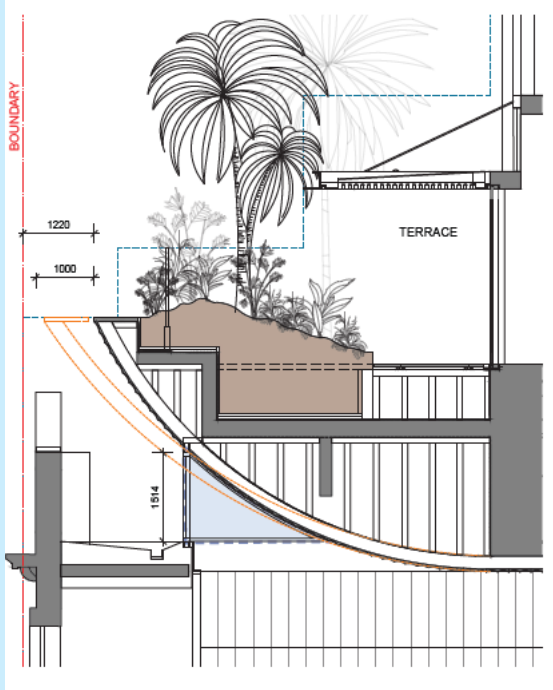


- Improving opportunities for allowing light into the hotel corridors was encouraged (particularly along the northern and southern facades).
- Further consideration be given to collaboration with an appropriate consultant to explore Connecting with Country opportunities within the scheme (and particularly the landscape ‘vessel’).

Further resolution and design development of the scheme has been undertaken following the competition and the applicant’s design review process.

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.

**Table 12 | Panel key principles to be retained and SSDA response**

Panel Recommendation Key Principles to be retained	SSDA Response
<p>The contribution of the scheme to creating a publicly accessible ‘urban room’ is considered an important public gesture.</p> <p>The ‘urban room’ as the arrival hall to the building from Pitt Street, and the public nature of the room (in being a public space for all).</p>	<p>The ‘urban room’ has been retained as part of the proposal.</p>
<p>The retention of natural light at the ground floor is important, including the view of the landscape ‘vessel’ above from the ground floor.</p>	<p>The landscape ‘vessel’ has been setback 1m from the Pitt Street boundary, allowing for the retention of natural light to the floors below via a void area, whilst also providing a view of the ‘vessel’ from ground floor.</p> 

Panel Recommendation	SSDA Response
Key Principles to be retained	<p><b>Figure 39</b>   Excerpt of proposed section depicting landscape 'vessel' with 1m setback (Source: RtS design report)</p> <p>Noting the comments made in the design review process, the 'vessel', whilst recessed, can still be viewed from the public domain by pedestrians passing at street level.</p>
The general approach to the high quality of materials, the depth of the tower façade, and glass to solid ratio within the tower.	The proposal retains the use of concrete, masonry and GRC, with a glass to solid ratio of 29% to 71%, which is generally consistent with the competition winning scheme.
The solidity of the hotel façade for the lower portion of the tower, relative to a lighter and less solid residential façade for the upper portion of the building, as well as the breaks in between.	<p>The proposal was reviewed by the City's Design Advisory Panel (DAP), who advised that the original submission was to revert back to the competition scheme in terms of the solidity of the lower portion of the tower as it meets the podium below.</p> <p>The amended design has addressed DAP's advice, by increasing façade depth from 400mm to 690mm at levels 5-6. Although the solidity has been adjusted to be more comparable to that of the winning competition scheme, the base of the tower is missing the visual expression of the masonry load to the landscape 'vessel'. This element was reviewed and advised that the inclusion of vertical masonry elements would assist in the masonry façade not appearing to float above the landscape 'vessel'. An appropriate condition is recommended in <b>Appendix D</b>.</p>
The overall environmental strategy is considered fundamental to the design.	The proposal has retained the overall environmental strategy forming part of the competition scheme.
The natural light to lift lobbies is to be maintained.	<p>This recommended was reiterated by DAP.</p> <p>The proposal has been amended to provide natural light to the lift lobbies at the eastern elevation on each level.</p>

<b>Panel Recommendation</b> <b>Key Principles to be retained</b>	<b>SSDA Response</b>
<p>The lightness and the architectural expression of the 'lantern-like' tower crown.</p>	<p>DAP advised as part of their review of the proposal, that the lantern tower crown was to be retained. KHA has since modified the top three levels to increase the amount of glazed area, with a specialist lighting zone to achieve illumination in all directions.</p>  <p><b>Figure 40</b>   Photomontage of proposed glazing and illumination at top three levels (Source: RtS design report)</p>
<p>The concept of creating a deep-soil 'vessel' at the upper podium level and the extent of planting provided to this terrace.</p> <p>The tower sitting within a green landscaped podium and the idea of being surrounded by a green edge.</p>	<p>The landscape 'vessel' has been retained as part of the proposal, maintaining the idea of the tower being surrounded by a green edge.</p>
<p>The minimisation of the impacts of vehicular movements into the site.</p>	<p>The proposal does not provide any car parking on-site, however, retains a loading dock for an SRV and courier vehicle.</p>
<p>The optimisation of the activation of the street façade.</p>	<p>The proposal provides retail spaces at ground floor for activation. As discussed elsewhere, a condition is recommended to ensure the ground floor emulates the original shopfronts for the site, based on historical photographs and evidence presented in the Heritage Impact Statement.</p>

**Table 13** | Panel areas for further resolution and SSDA response

Panel Recommendation Areas for further resolution	SSDA Response
Access from the residential lobby to the Goulburn Street laneway to achieve greater permeability and through-site connectivity.	Residential apartments are no longer proposed, and as such, there is no longer a need for a residential lobby. Rather, the retail tenancy at the southern end of the ground floor has access to the Goulburn Street laneway to provide some level of through-site connectivity.
Further consideration should be given to the landscaped 'vessel' and its materials as the scheme develops to allow more light into the lower podium levels, and to consider its relationship to and the visual impact on the historic buildings below, noting it is shown outside the approved Concept DA envelope.	<p>The landscape 'vessel' comprises GRC with a scalloped sandstone finish.</p> <p>The proposed landscape 'vessel' has been amended so that it is setback 1m from the Pitt Street boundary of the site. This will allow more light into the lower podium levels and greatly improves the visual relationship with the retained façade below, as it maintains its visual prominence in the streetscape.</p> <p>The materiality and 1m setback of the landscape 'vessel' are supported by the City's Heritage and Urban Design specialists.</p>
In collaboration with an appropriate consultant, further consideration should be given to Connecting to Country opportunities within the scheme and particularly the landscape 'vessel'.	Yarrawalk has been engaged as part of the Connecting with Country process, who facilitated meetings with Metropolitan Local Aboriginal Land Council and other relevant parties. The landscape 'vessel' materiality has been further refined so that the GRC sandstone finish reinforces the concept of a <i>"pre-settlement landscape bowl lifted from the earth"</i> .
The visibility, wayfinding and customer experience to the Level 1 lobby for hotel guests and public visitors should be developed to ensure it is legible and intuitive.	This comment was made in the context of both residential and hotel lobbies being proposed at ground floor. Given that residential accommodation is no longer proposed, the hotel has an "arrival" space at ground floor to Pitt Street, located midway along the shopfront.

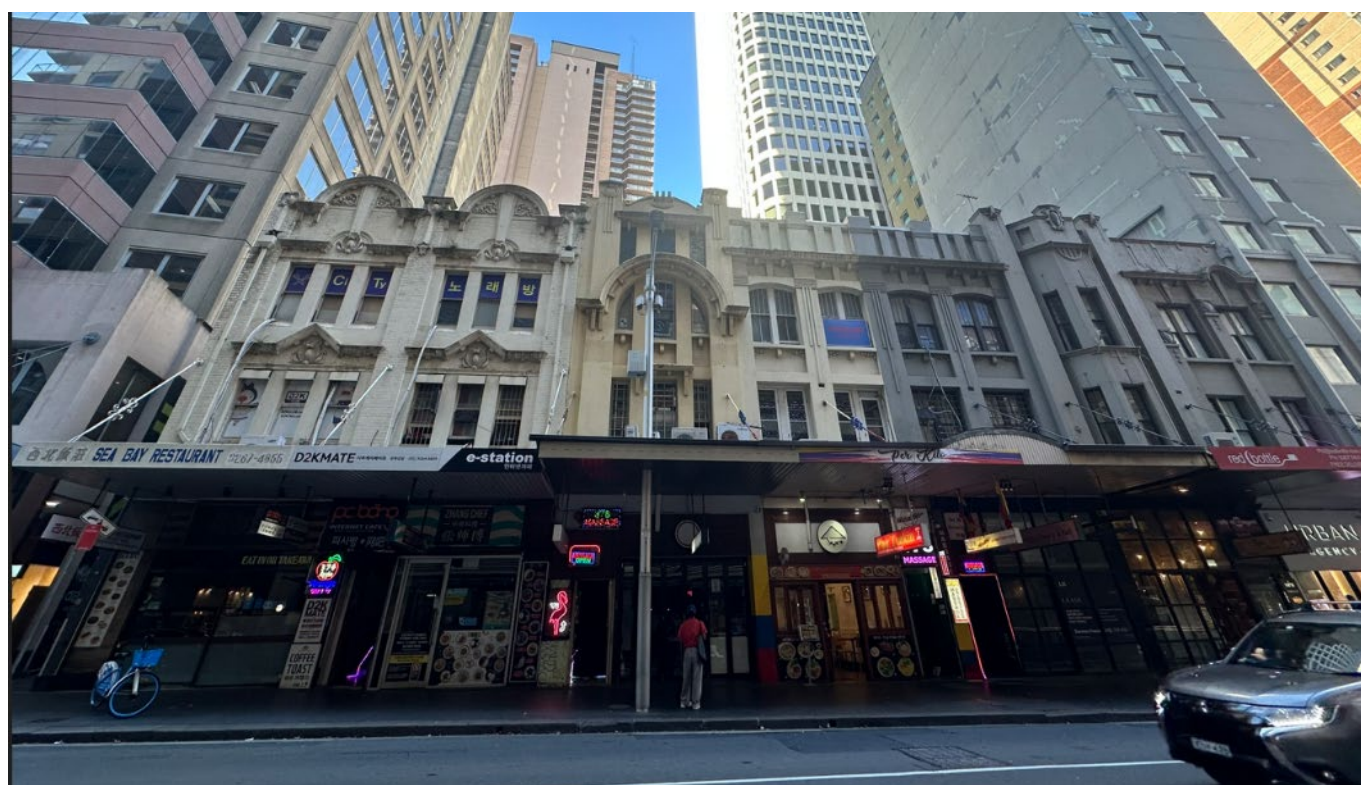
## 6.4 Heritage

The site is not listed as a local or State heritage item, nor is the site located within a heritage conservation area. The site, however, is considered to contain historically significant terraces, comprising a rare surviving Federation era (Edwardian Free Classical) group. To the west, the several three-storey masonry terraces present decorative facades and parapets above the awning to Pitt Street. To the east, the terraces back onto a rear portion of Carruthers Place which connects to a right of access way to Goulburn Street.

The ground floor facade of the buildings, soffit and fascia of the existing awning, and internal fabric retain little historic fabric and have been significantly modified. Above the awning, the first and second floor facades remain substantially intact, presenting original fenestration, mouldings, arches and brackets which allow the upper portion of the terraces to be read in its original form. The existing buildings have some integrity as a homogenous group, which have historic links to and are aesthetically distinctive within the context.

Historical photographs of the terraces demonstrate that the existing footpath awnings are original in part, as they retain original suspension beams but have modified soffits and fascias that have been reclad and/ or concealed.

The present view of the subject site is provided below.



**Figure 41** | Site viewed from Pitt Street facing north-east towards Liverpool Street

The site is also surrounded by a number of local heritage items to the east and south, including the Museum Towers at 267-277 Castlereagh Street (I1706), Sydney Masonic Centre at 66 Goulburn Street (I12283) and the Civic Hotel at 388 Pitt Street (I1945).

The concept approval D/2021/1504 assessed the in-principle demolition of 372 Pitt Street (the northern-most terrace), the retention of the façade and some internal fabric and infill envelope of 372 Pitt Street, and tower setbacks as acceptable. These elements, along with street wall height and design of the tower form have been assessed as acceptable as part of the Amending DA D/2024/36.

The City considers the key heritage issues relate to excavation, retention of the façade, the proposed landscape 'vessel' above the retail terrace parapet, the ground floor shopfronts and awnings, and the infill at 372 Pitt Street.



#### 6.4.1 Excavation

The proposed development provides a one level basement that is setback 6m from the Pitt Street boundary. This is to ensure that the existing historical façade will not be impacted upon.

The demolition, excavation and construction sequence has been informed by the submission of a geotechnical report, structural strategy and archaeological assessment, and submitted with the SSDA.

The structural strategy in particular, details that soldier piles (or temporary batter and concrete walls) will be installed around the basement perimeter, with temporary bracing also installed in the retained portions of the terraces as excavation commences. Existing timber flooring and associated steel framing of the terraces to remain on-site will be demolished and replaced with reinforced and post-tensioned concrete slabs. New reinforced concrete columns are to be constructed adjacent the retained masonry piers and immediately adjacent the existing façade, ensuring that these elements attract no new loading due to the proposed tower.

Conditions are recommended to ensure that a suitably qualified structural engineer is commissioned to work with the consultant team throughout design development, and excavation to ensure the structural stability of the retained facades and surrounding buildings.

#### 6.4.2 Retention of the façade and internal fabric

The proposal, as amended, seeks to retain the existing facades of Nos. 374-382A Pitt Street and a minimum depth of 6m (approximately one bay) of the internal party walls. This is largely consistent with the concept approval; however, additional demolition is proposed to create an “urban room” within the podium, which includes intervention to the party walls. As noted above, all timber floors are to be demolished to ensure uniform floor levels within the podium. The timber floors comprise only timber joists and floorboards, presenting no major beams or columns.

The proposed amount of retention of fabric is generally supported and is acceptable as it:

- (a) Removes existing intrusive and unsympathetic fabric within the existing terraces;
- (b) Retains and allows interpretation of the existing group in the design of the new podium, ensuring a meaningful incorporation of part of the existing buildings into the development; and
- (c) Still enables adaptive reuse and refurbishment of the buildings.

The changes have been reviewed by the City’s Heritage team who advised that they were acceptable. The Heritage Impact Statement (HIS) recommends a heritage interpretation strategy and a 3D cloud point survey of the existing retail terraces be prepared. Appropriate conditions reflecting these recommendations are proposed.

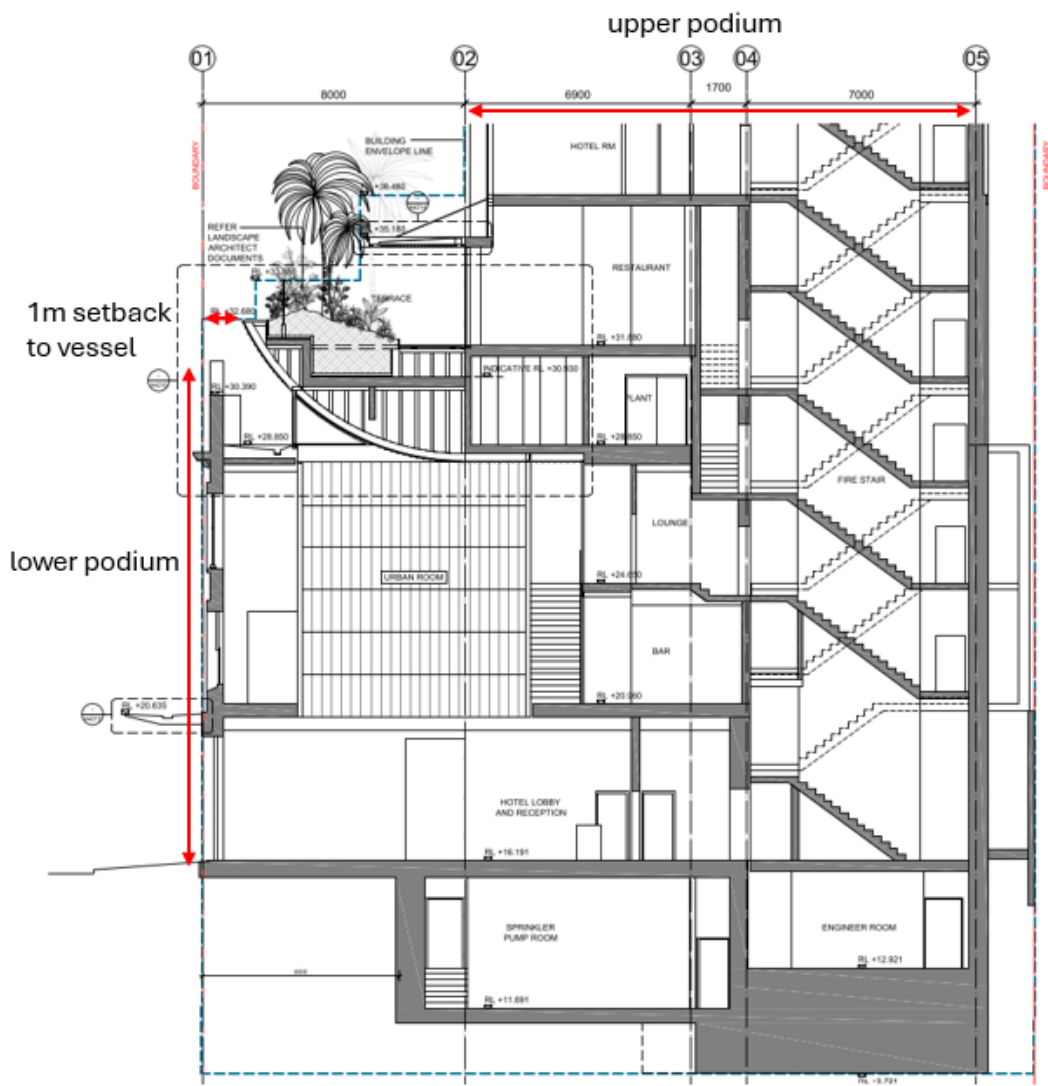
#### 6.4.3 Landscape ‘vessel’

The design proposes an elevated landscape ‘vessel’, which is sited so that it appears to hover over the historic terrace façade and parapet to be retained. The ‘vessel’, which was a key element of the design competition winning scheme, comprises heavily textured masonry, with scalloped sandstone cladding, that provides visual separation and transition between the tower and the historic podium below.

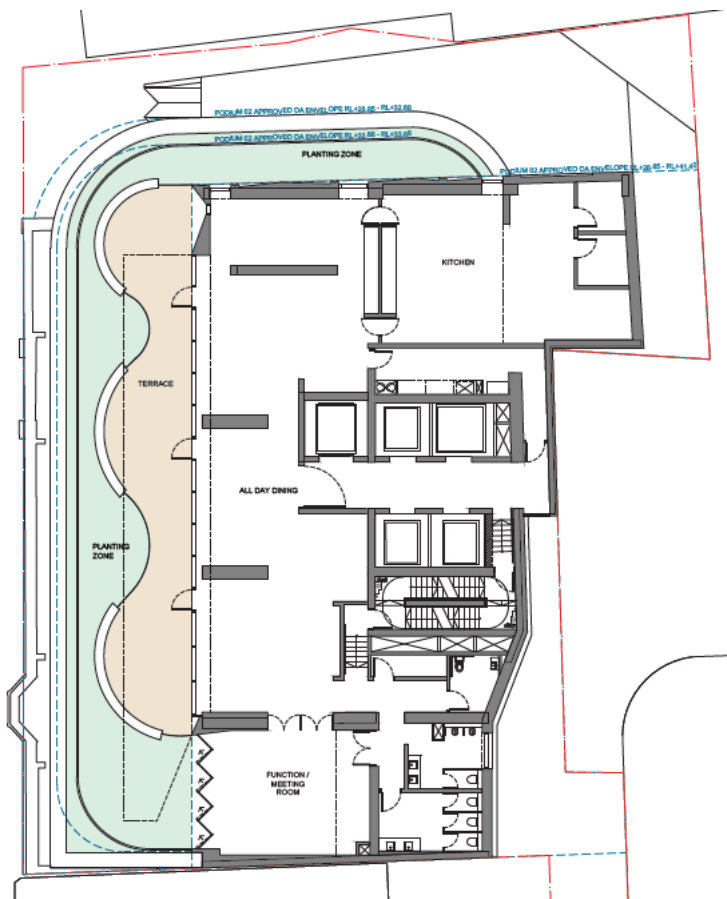
It contains a deep planting zone allowing for the creation of a landscape garden visible from the public domain and is rounded so that it responds to the curved geometries of the Civic Hotel and Masonic Centre podium. See **Figures 42-44** below.



**Figure 42** | Photomontage depicting landscape 'vessel' 1m setback from Pitt Street, and view to urban room below  
(Source: RtS architectural plans)



**Figure 43** | Section through the lower podium (Source: RtS architectural plans)



CURRENTLY PROPOSED - 1000MM SETBACK FROM FACE OF HISTORIC FAÇADE

Landscape Area	134 sqm - 27 sqm reduction
Terrace Area	84 sqm - 4 sqm reduction

**Figure 44 |** Proposed level 4 plan depicting terrace area and landscaping (Source: RtS design report).

While the City notes DCPs are not applicable to State Significant Development, Section 5.1.1.1 of the Sydney DCP 2012 provides street frontage height and setback controls that would otherwise apply to the site. The proposal departs from the Sydney DCP 2012 in that it provides a lower podium height of 13.4m (when 20-25m is required) as the façade (and bays) of the existing 3-storey commercial terraces are being retained. The upper podium, setback 8m from the street frontage (and above the historic façade), is 25m in height, which complies.

The introduction of the landscape ‘vessel’ behind the historic façade, will encroach into the 8m setback approved above the historic podium under D/2021/1504. This encroachment has been assessed as acceptable as part of the Amending Concept Development Application D/2024/36.

The landscape 'vessel' has been amended during the assessment in response to DAP and heritage advice to provide a 1m setback from the Pitt Street boundary. The increased setback reduces the visual impact on the retained historical façade (when it originally dominated the retail podium) and will bring more natural light into the proposed 'urban room', which was a recommendation of the design competition selection panel. The siting of the 'vessel' and its setback from the historic facade will have minimal impact on wind conditions in the public domain, particularly in relation to the approved concept building envelope under D/2021/1504. The proposed awning to level 4 will ensure adequate levels of wind comfort within the garden area, and dense planting which is integral to the design will maintain wind comfort levels at ground.

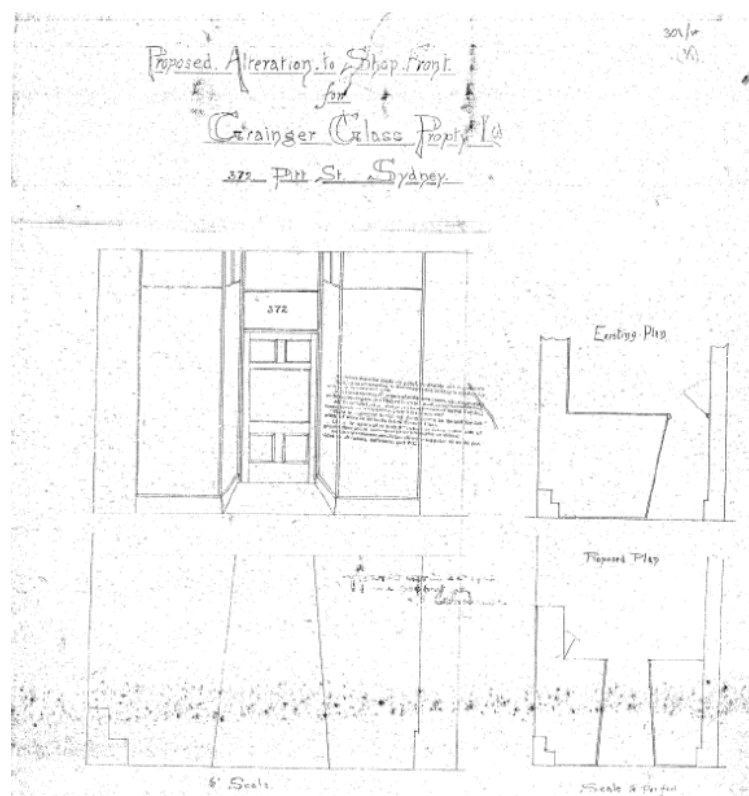
As amended, the City is satisfied that an appropriate street frontage height and appropriate setbacks are provided as a result of the introduction of the landscape 'vessel'.

#### 6.4.4 Ground floor shopfronts and awnings

The existing ground floor shopfronts have been significantly modified, with broad shopfronts and glass windows.

The proposal provides new matching windows replacing the existing timber double hung windows at ground floor and will locate a hydrant/booster in the northern most terrace bay (374 Pitt Street). Additionally, the proposed awnings are to be a simplified, unified form across the shopfronts similar to that currently in place at the Ibis Hotel adjoining the site to the south at 384 Pitt Street, Sydney.

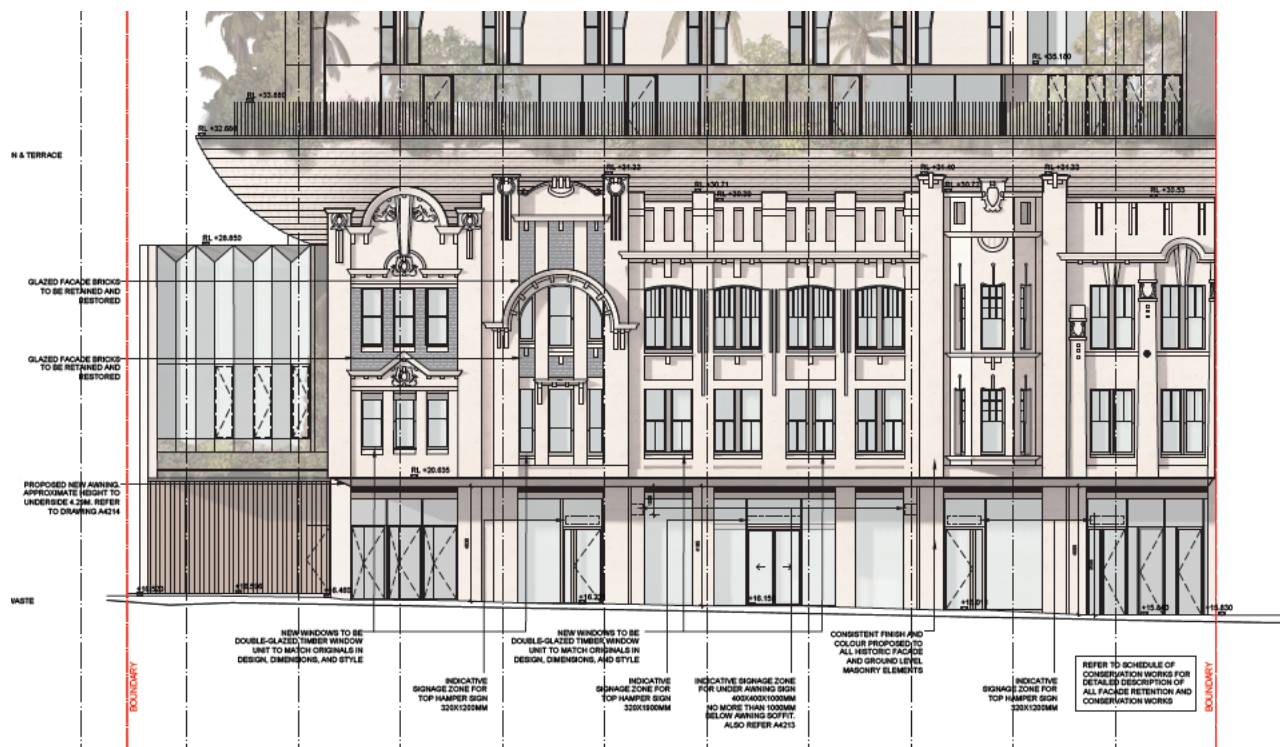
The HIS and the Schedule of Conservation Works recommend that timber windows in reasonable condition be retained, and that awning ties and fixing discs can be retained and reused. Figure 49 of the HIS includes an excerpt of the original shopfront form:



**Figure 45** | Figure 49 – 1914 proposed alterations to the shopfront at 372 Pitt Street (City of Sydney Archives, 0301/14) (Source: Urbis EIS Heritage Impact Statement)



See detailed Pitt Street elevation, photomontages of the proposed ground floor shopfront and awning below.



**Figure 46** | Detailed Pitt Street elevation of podium (Source: RtS architectural plans)



**Figure 47 |** West elevation (photomontage) depicting shopfronts and awnings at ground floor (Source: RtS design report)



**Figure 48** | Photomontage depicting shopfronts and awnings at ground floor, looking north-west (Source: RtS design report)

In the assessment of the concept building envelope (D/2021/1504), it was recommended that documentary evidence and/or historic photographs of the original street presentation be utilised to inform the design and interpretation of the shopfronts and awnings.

Noting the HIS and Schedule of Conservation Works recommend retention and reuse of elements of the existing shopfronts and awnings, it is recommended that the design refer to and interpret the original form and details.

The proposed hydraulic booster takes one whole shopfront at 374 Pitt Street. This location prevents a proper reconstruction of the historical shopfront. It is noted that the infill development at 372 Pitt Street provides a setback, allowing for the side elevation of 374 Pitt Street to incorporate the booster instead. It is recommended that the booster be relocated to the northern elevation/side wall of 374 Pitt Street and the shopfront be reconstructed.

Appropriate conditions are recommended in **Appendix D**.

#### 6.4.5 Infill at 372 Pitt Street

The proposal includes the replacement of 372 Pitt (the northern-most terrace) with a three-storey contemporary infill building.

In the assessment of D/2021/1504 (the Concept Approval), it was accepted that the removal of 372 Pitt Street would be required to facilitate on-site adequate loading and servicing. A further 1m easement along the northern boundary would also be required to maintain existing fire egress paths for 370 Pitt Street (The Chambers building).

The proposed infill building has been designed so that it is setback 8.4m from the Pitt Street boundary and is offset approximately 1.4-1.5m from the northern side boundary of 370 Pitt Street to allow for an easement for fire egress. The setback to Pitt Street provides an interpretation of Carruthers Place while also visually separating the infill building from the retained facades at 374-382A Pitt Street.

The infill will be contemporary in design and materiality to highlight and complement the architectural features of the retained facades. The loading dock access is screened by aluminium battens in 'mid-bronze'. The first and second levels are designed as "*a crystalline wintergarden*", being a transparent and faceted glazed façade that will house the conservatory behind. Whilst the service entry was noted by DAP as being utilitarian in appearance, the battens are considered acceptable as the entry has a utilitarian purpose. See photomontage below.



**Figure 49** | Photomontage depicting the infill development at 372 Pitt Street (Source: Urbis EIS design report)

The proposed infill development at 372 Pitt Street is acceptable as:

- (a) The infill development contributes to the architectural interest, unique character and identity of the overall development. The structure provides an appropriate response to the adjacent retail terrace façade (and bays) to be retained, matching the height and proportion of the historical terraces when viewed from Pitt Street, in accordance with Clause 5.10 of the Sydney LEP 2012.



- (b) The proposed infill has been designed to 'come to ground', positively contributing to the Pitt Street streetscape by presenting a richness of detail and appropriate design response to the retained group of terraces and nearby heritage items, as envisioned by the Concept Approval D/2021/1504.
- (c) The infill development facilitates the provision of on-site servicing, which is particularly important in the City centre where on-street parking and loading arrangements are limited.

## 6.5 Tower setbacks

As noted above in Section 6.4.3 of this report, the Sydney DCP 2012 provides setback controls that would be applicable to the site if not for being a State Significant Development. Section 5.1.1.3 of the Sydney DCP 2012 recommends minimum side and rear setbacks from boundaries above the street frontage height to shape the tower form, including:

- 4m up to 120m;
- 3.33% of the total height of the building (between 120m up to 240m); and
- Facades containing windows must be setback from side and rear boundaries by a minimum of 2m to allow maintenance of the façade fully within the boundary.

The proposal maintains the approved setbacks of Concept Development consent D/2021/1504 above the podium as follows:

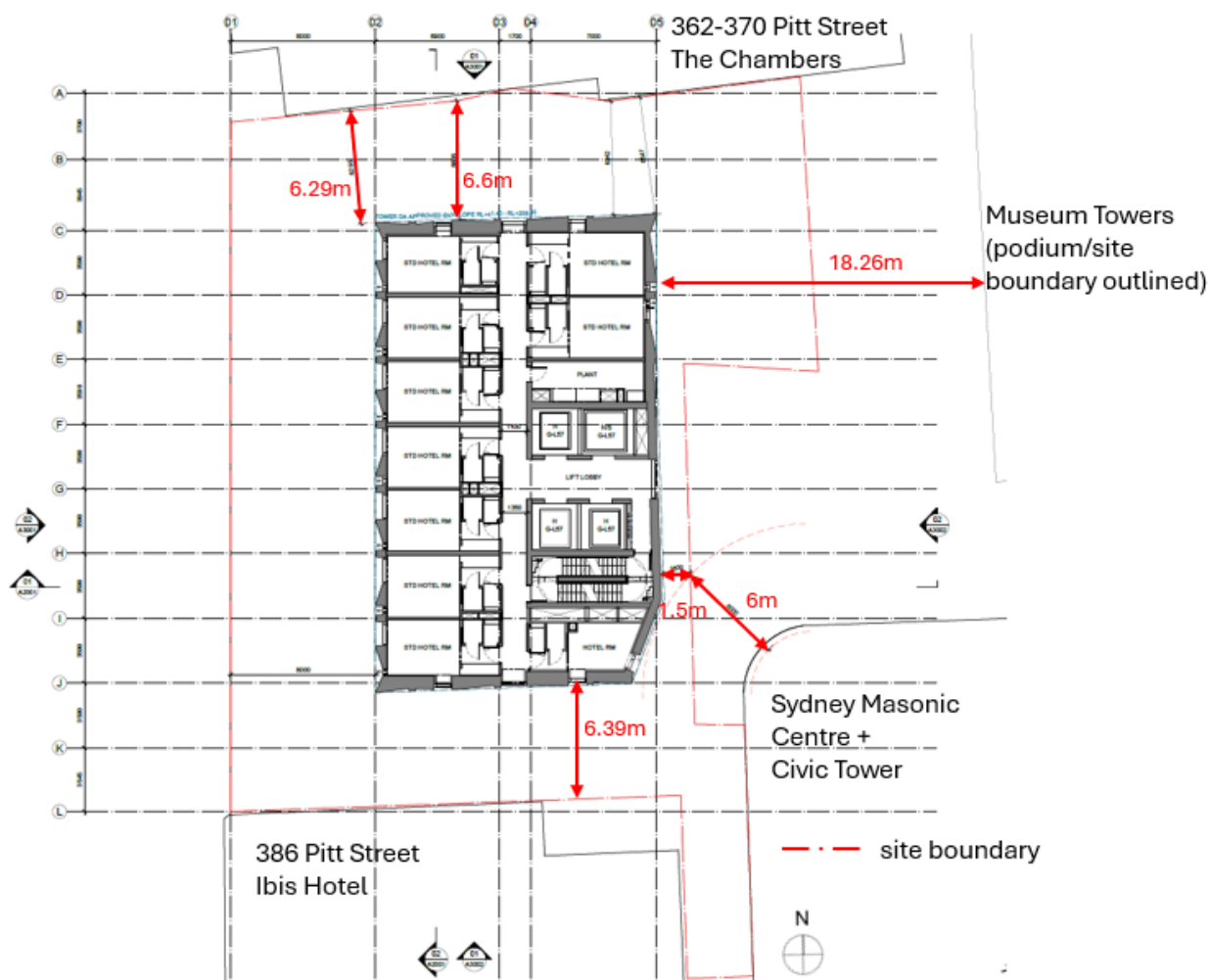
- Minimum 6.29m to the north (3.32%) of the building height of 192.9m
- Minimum 6.31m to the south (3.32%) of the building height of 192.9m
- 1.5m to the rear (east).

The minor variations to the 3.33% control and 2m rear setback have been assessed as acceptable in both D/2021/1504 and D/2024/36 for the Concept building envelopes. The City is satisfied that appropriate setbacks are provided to surrounding buildings as:

- The proposed envelope avoids the appearance of a contiguous 'wall of towers' and achieves sufficient separation between surrounding buildings.
- The building envelope demonstrates acceptable wind safety and wind comfort and daylight levels with regard to the amenity of the public domain, can be achieved through the submission of a wind assessment report and detailed shadow analysis diagrams. These impacts are consistent with that approved under D/2021/1504.
- The proposed envelope has been subject to detailed urban design options analysis which demonstrates that the proposed massing is compatible with the context.
- A high-quality urban design outcome can be achieved within the proposed building envelope which incorporates the existing terraces, presenting reasonable architectural integrity and intactness.
- The variations of 0.13m, 0.11m and 0.5m with regard to the side and rear setbacks will not be perceivable given the small tower floor plate (26m x 15.6m).

Noting the above, appropriate outlook and daylight access can still be achieved to adjacent development. Section 5.1.2 'Development outlook and demonstrating amenity compliance' of the Sydney DCP 2012 requires hotel windows over a height of 45m to have a minimum outlook depth of 9m (to all windows and balconies of other forms of accommodation).

An outlook depth of 6.29m for hotel windows is provided to The Chambers building to the north; and 6.31m for hotel windows to the Ibis Hotel to the south. See separation distances below for surrounding development at level 7 of the tower floor plan (typical tower floor plan). All surrounding developments have windows facing the site.



**Figure 50** | Proposed level 7 floor plan (typical tower floor plan) depicting separation distances to surrounding sites.

The proposed development is consistent with the Concept Approval D/2021/1504, which determined that The Chambers Building at 362-370 Pitt Street was the only surrounding site that had the potential to be redeveloped to a greater height. The 3m non-compliance for hotel accommodation was assessed as satisfactory, and these reasons still apply to the detailed design, namely:

- Adequate development outlook amenity is achieved to the west and east with sufficient setbacks of 35.05m to the Museum towers and 8m to Pitt Street; and



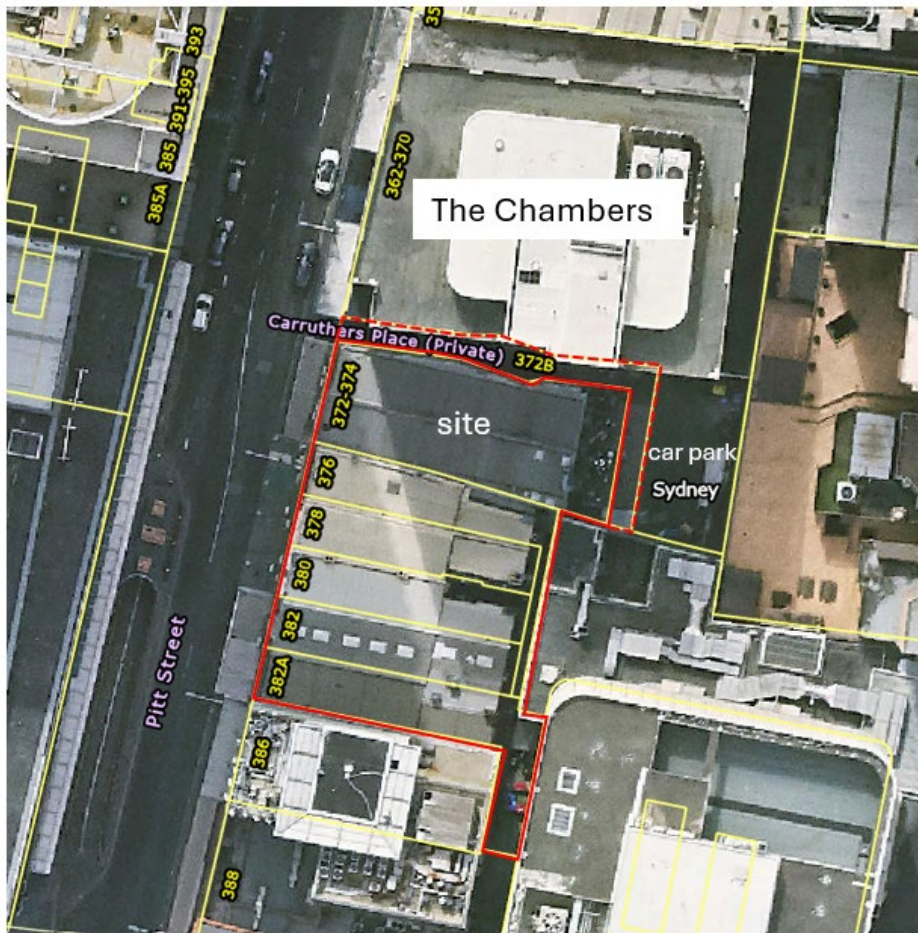
- The site benefits from the fact that the development directly to the east and south-east are heritage items of a lower scale (being Museum Towers and Sydney Masonic Centre including Civic Tower with a maximum height RL 144.97. As a result of land use and heritage listing of these buildings, there is limited redevelopment potential for these sites. Consequently, privacy and overlooking are not considered to be determinative factors as the proposal will be separated by over 30m from the residential apartments (Museum Towers) and is capable of being designed to provide 6m between non-habitable rooms and the Civic Tower.

Hotel room windows are proposed to the northern and southern side elevations, with three windows at each level over 45m (one of which being a window to the hotel corridor). These windows are secondary and therefore unlikely to have any significant privacy impact to developments to the north and south.

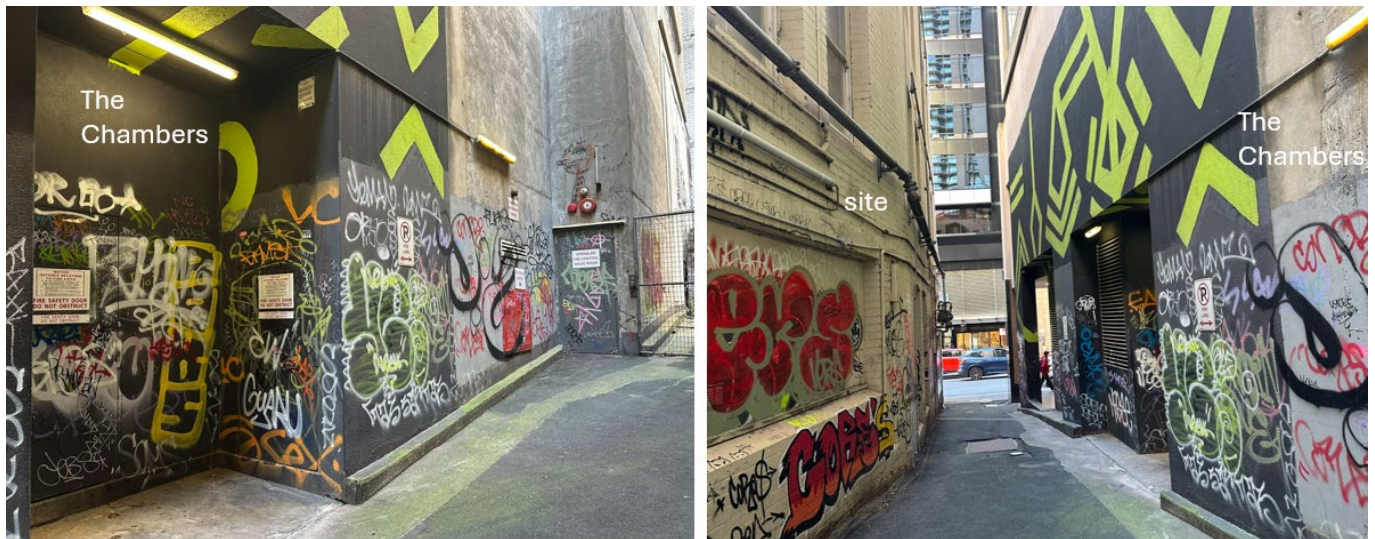
## 6.6 Carruthers Place

Carruthers Place is known as 372B Pitt Street, Sydney and is privately owned land. It has a width of 2.425m to Pitt Street and runs partially to the side (at the north of the site) and rear of 372-374 Pitt Street. There are no rights of access easements burdening Carruthers Place.

The Chambers building at 362-370 Pitt Street is located immediately north of the site. It contains individual strata commercial office suites and strata retail spaces. The site includes an area of land between the rear of the subject site and 267-277 Castlereagh Street, which is used for casual car parking. The Chambers building utilises Carruthers Place for fire egress and access to other building services, with 3x fire escape doors, fire safety services (hydrant and boosters) and 2x ventilation openings at ground level opening onto the laneway. There are other ventilation openings along The Chamber's south elevation that face into the subject site. The car park at the rear, behind the subject site, also uses Carruthers Place for vehicular access.



**Figure 51** | Aerial map showing subject site and surrounding development. Carruthers Place is known as 372B Pitt Street

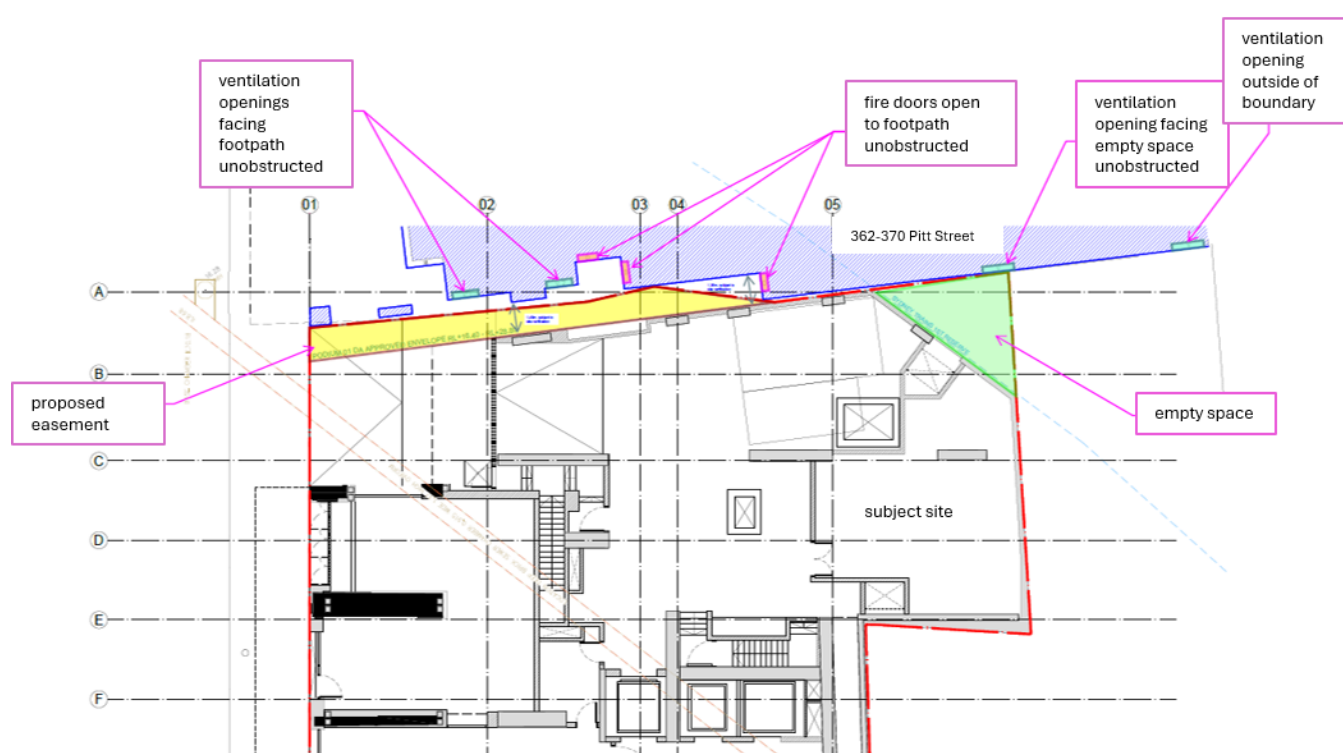


**Figure 52** | Views of Carruthers Place looking east (left) and west)

Concerns have been raised during the exhibition period with regard to maintaining safe access to the fire egress and ventilation openings/building services along Carruthers Place, vehicular access as well as the public nature of the laneway and the need for it to remain as currently operating.

The use of Carruthers Place by The Chambers building was a matter of consideration during the assessment of Concept Approval D/2021/1504, with Conditions 11(j) and 44 imposed requiring the creation of a new easement for Carruthers Place for fire egress along the northern boundary of the site for 362-370 Pitt Street. The easement must have a minimum width of one metre clear and extend from Pitt Street to encompass all fire doors along the southern elevation of the adjoining development to the north. Vehicular access is not to be included in the easement given that no consent has been granted for the use of the rear parcel of land for car parking. A condition is to be imposed to ensure that this easement is registered on title.

The Applicant has provided a response to the submissions (with a link provided in **Appendix A**), and, as noted in the plan below, has provided a path and proposed easement of at least 1.4m along Carruthers Place for fire egress. Ventilation openings, services and the like are able to be maintained with no obstruction.



**Figure 53** | Fire egress and ventilation openings diagram for 370 Pitt Street (Source: RtS report, with labels modified for clarity)

## 6.7 Other issues

The City's consideration of other issues is summarised in **Table 14** below.

**Table 14** | Assessment of other issues

Issue	Findings	Recommendations
<b>Traffic, access and servicing</b>	<ul style="list-style-type: none"> <li>The development proposes vehicular access to the site via Pitt Street and Carruthers Place, with a driveway of 7.2m.</li> </ul>	The City recommends the following conditions:



Issue	Findings	Recommendations
	<p>Service vehicles are to use the loading dock at ground floor, entering and exiting the site in a forward direction. The driveway can only accommodate one vehicle at a time. The loading dock will accommodate 1x SRV (6.4m in length) and 1x B99.</p> <ul style="list-style-type: none"> <li>• The proposal does not provide any exclusive pick-up and drop-off car spaces for hotel guests on site. No coach parking is proposed.</li> <li>• By design, the development will discourage the use of private vehicles and encourage public transport and active transport use. The traffic report suggests that 20 percent of guests will use coach and shuttle services, with existing coach parking in close proximity used for guest drop-off and pick-up activities.</li> <li>• The proposed traffic impacts have been reviewed by the City's Access and Transport Unit, and advice has been sought from TfNSW, both of which do not object to the proposal on traffic grounds. There are taxi ranks and zones where short term pick-up and drop-off can occur within a 400m catchment of the site.</li> <li>• It is noted that the proposal will be heavily dependent on detailed management plans for conducting loading, servicing and waste collection.</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate signs at egress points compelling drivers to "Give Way to Pedestrians" before crossing the footway.</li> <li>• Include a signal system (e.g. lights and/or mirrors to assist with traffic movements on-site.</li> <li>• Restricting the service vehicle size limit and that all loading and unloading operations are to occur on-site.</li> <li>• Requiring all parking to be designed in accordance with the relevant Australian Standards (AS/NZS 2890.1 and AS/NZS 2890.2).</li> <li>• Requiring the preparation of a guest pick-up and drop-off management plan and coach parking management plan.</li> <li>• Requiring the preparation of a Transport Access Guide for visitors and guests and a Green Travel Plan.</li> <li>• Requiring the preparation of a loading dock and servicing management plan.</li> </ul>
<b>Bicycle storage and end of trip facilities</b>	<ul style="list-style-type: none"> <li>• The proposal provides storage areas and bicycle parking on Basement 1 and Level 3 for 49 bicycles and end of trip facilities.</li> <li>• The City supports the provision of this number of bicycle parking spaces and end of journey facilities in their proposed locations and encourages the use of a Transport Access Guide to support bicycle users accessing the site.</li> </ul>	<p>The City recommends the following conditions:</p> <ul style="list-style-type: none"> <li>• Requiring all bicycle storage facilities to be designed in accordance with AS 2890.3.</li> <li>• Requiring the preparation of a bicycle parking</li> </ul>

Issue	Findings	Recommendations
		<p>signage and wayfinding plan.</p> <ul style="list-style-type: none"> <li>Requiring the preparation of a Transport Access Guide and Green Travel Plan for visitors and guests, to promote sustainable modes of transport.</li> </ul>
<p><b>Hours of operation</b></p>	<ul style="list-style-type: none"> <li>The application seeks approval for the following hours of operation:             <ul style="list-style-type: none"> <li>Hotel and associated hotel facilities to be operational 24 hours, 7 days per week.</li> <li>Ground floor café: 7:00am to 9:00pm, 7 days per week.</li> <li>Ground floor retail: 7:00am to 10:00pm, 7 days per week, or 24 hours for convenience stores.</li> <li>Level 1 bar: 4:00pm to 11:00pm, 7 days per week.</li> <li>Level 2 hotel lounge: 24 hours for in house guests.</li> <li>Level 4 all day dining restaurant: 7:00am to 10:00pm, 7 days per week (indoor and outdoor areas).</li> </ul> </li> <li>The maximum capacity for visitors and guests on the site at any one time is 1,100 people. This includes capacity for 1,029 hotel guests and 71 staff.</li> <li>The accompanying acoustic assessment indicates the level 4 dining area will have a capacity of 200 patrons, and the terrace area 80 patrons. The assessment recommends that the other ground floor tenancies be subject to separate planning approval, particularly as the operational requirements are unknown at this stage.</li> <li>The accompanying operational management plan does not specify the use of spaces within the hotel for functions and no hours of operation have been indicated.</li> </ul>	<p>The City recommends the following conditions:</p> <ul style="list-style-type: none"> <li>Restricting hours of operation for different operational aspects of the proposal.</li> <li>Requiring compliance with various conditions regarding premises and patron management and security.</li> <li>Requiring the plan of management to be updated to address functions and capacity of each space.</li> </ul>



Issue	Findings	Recommendations
	<ul style="list-style-type: none"> <li>While the City notes DCPs are not applicable to State Significant Development, under the Sydney DCP 2012, the building is located within a late-night management area and classified as a Category A premises. If applied, the proposed hours of operation for the food and drink premises within the development fall within the base hours of operation, which are 6am to 12 midnight. The 24 hour convenience store would be subject to a 2 year trial period if supported.</li> <li>The City has reviewed the proposal and whilst no concerns are raised regarding acoustic impacts of the operational aspect of the proposal, it is not clear how the retail tenancies / convenience store are to operate as no details have been provided. Therefore, 7:00am to 10:00pm, 7 days per week for the ground floor retail component is recommended.</li> <li>Additionally, functions have not been outlined in either the EIS or plan of management, and as such additional information is required.</li> <li>Overall, the City concludes the proposal will not have an unacceptable impact on surrounding amenity due to the operation of the food and drink premises or retail premises, subject to conditions.</li> </ul>	
<b>Construction impacts</b>	<ul style="list-style-type: none"> <li>The submitted Construction Noise and Vibration Management Plan envisages construction will take approximately 35 months and will be undertaken during standard Council CBD hours of noise and construction.</li> <li>The proposed construction hours are between 7am and 7pm Monday to Friday and 7am to 5pm on Saturday. Work may occur outside of these hours in certain circumstances, for the delivery of oversized plant or structures; emergency work; and maintenance and repair of public infrastructure.</li> </ul>	<p>The City recommends the following conditions:</p> <ul style="list-style-type: none"> <li>Preparation of a final Construction Environmental Management Plan (CEMP) prior to the commencement of works</li> <li>Preparation of a final Construction Traffic Management Plan</li> <li>Preparation of a final Construction Noise and</li> </ul>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> <li>• The City considers construction noise impacts would be acceptable, subject to conditions.</li> <li>• The City considers construction traffic will have an acceptable impact on traffic movements in the locality.</li> <li>• The City recommends standard conditions to ensure all other construction impacts, such as waste, air and water quality are effectively managed.</li> <li>• The City concludes construction impacts would not be adverse, subject to recommendations.</li> </ul>	<p>Vibration Management Plan</p> <ul style="list-style-type: none"> <li>• Preparation of a Construction Waste Management plan</li> <li>• Preparation of dilapidation reports for neighbouring buildings.</li> <li>• Engagement of a structural engineer to oversee demolition, excavation and construction in close proximity to retained historic façade.</li> <li>• Compliance with standard hours of work and noise.</li> </ul>

## 7 Evaluation

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

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

- The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new hotel accommodation and retail floor space.
- The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury.
- The development complies with the maximum height, floor space and car parking controls contained under the Sydney LEP 2012.
- The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012. The slim tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The tower results in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for employees to the site and is suitably located close to good public transport.
- The proposed construction methodology and completed design responds appropriately to the surrounding heritage context and does not adversely nearby adjoining heritage items.
- The assessment of the proposal has demonstrated that the development will not result in any environmental impacts that cannot be appropriately managed and consistent with the relevant planning controls for the site. All other issues have been appropriately addressed by recommended conditions of consent.
- The development is anticipated to create 570 construction and 400 ongoing operational jobs.
- The development has provided sufficient information to address the SEARs.
- All other issues have been appropriately addressed by recommended conditions of consent.

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

## 8 Recommendation

It is recommended that the Central Sydney Planning Committee (CSPC), as a Committee of Council with the delegation of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **delegates determination to the City's CEO** for the application, subject to the conditions in the attached recommended conditions of consent and pending any recommended conditions from Sydney Metro.

Prepared by:



**Jessica Symons**  
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Recommended by:



**Graham Jahn** AM LFRAIA Hon FPIA  
Chief Planner / Executive Director  
City Planning Development & Transport  
City of Sydney Council

# Glossary

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



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

# Appendices

## Appendix A – List of referenced documents

- Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/projects/hotel-372-382a-pitt-street-sydney-0>

- Submissions and agency advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/hotel-372-382a-pitt-street-sydney-0>

- Response to submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/hotel-372-382a-pitt-street-sydney-0>

- Additional information

<https://www.planningportal.nsw.gov.au/major-projects/projects/hotel-372-382a-pitt-street-sydney-0>

## Appendix B – Statutory considerations

### Objects of the EP&A Act

A summary of the City's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 15** below.

**Table 15** | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development will more efficiently use the land in a way that creates no material adverse impacts for neighbours or the wider community. The more efficient use of the land for visitor accommodation purposes will contribute to achieving TfNSW and Council's strategic priorities for the Central Sydney to increase employment generation and provide hotel accommodation close to public transport and services in order to strengthen the diversity, capacity and resilience of the Metropolitan Centre.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The development seeks to achieve a high level of sustainable outcomes through the implementation of a sustainability framework to ensure the effective implementation of sustainability initiatives and management of natural resources.</p> <p>The proposal is designed to achieve a 4.5-star Star NABERS Energy Hotel design standard, 4-star Star NABERS Water Building rating (hotel) and a 4-star green Star rating.</p>
(c) to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use of the land and is permitted with consent within the SP5 Metropolitan Centre zone. It promotes use of the land for mixed use purposes, within a highly accessible Central Sydney location. The proposed design is well coordinated to best deliver its intended uses and addresses the state and local planning controls.
(d) to promote the delivery and maintenance of affordable housing,	Not directly applicable as it has a hotel accommodation and retail focus. However, a contribution of over \$1.7m is required by condition of consent in accordance with the City's Affordable Housing Program.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The site is within an urban context and will not impact native animals, plants, ecological communities and their habitats. A BDAR Waiver was granted on 20 February 2024.

Object	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal takes into consideration the sustainable management of surrounding built and cultural heritage with heritage items adjoining the site and in close proximity along the side and rear. The proposal has considered a response in terms of setbacks, podium form, articulation of the facade, vertical emphasis of openings and contemporary use of traditional materials to respond to the strong masonry character of the locality.</p> <p>The proposed development will carefully manage any unexpected finds of Aboriginal relics and non-Aboriginal relics through proper construction management techniques, as required by conditions of consent.</p>
(g) to promote good design and amenity of the built environment,	<p>The proposed development has been subject to an Architectural Design Competition Process in accordance with cl. 6.21D of the Sydney LEP 2012. The revised proposal addressed the design concerns of the City and is considered to exhibit design excellence.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>Recommended conditions would ensure the proposed development would be constructed in compliance with all relevant building codes and health and safety requirements.</p>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<p>The proposal is SSD and has been delegated to the City of Sydney for assessment and determination by the Central Sydney Planning Committee. The City has consulted with relevant Government agencies.</p>
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The City publicly exhibited the proposal, notifying adjoining and surrounding landowners. The EIS was made available on the both the City and the Department of Planning's website.</p>

## EP&A Regulation

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

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

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

### Environmental Planning Instruments (EPIs)

To satisfy the requirements of section. 4.15(a)(i) of the Environmental Planning and Assessment Act 1979 (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the City's assessment.

Controls considered as part of the assessment of the proposal are:

- Biodiversity and Conservation Act 2016.
- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP).
- Sydney Local Environmental Plan 2012 (Sydney LEP 2012).



## Biodiversity and Conservation Act 2016

**Table 16** | Biodiversity and Conservation Act 2016 Compliance Assessment

Control	Comment
Section 7.9 – Biodiversity assessment for State Significant Development	
<p>(1) This section applies to—</p> <p>(a) an application for development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> for State significant development, and</p> <p>(b) an application for approval under Division 5.2 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out State significant infrastructure.</p> <p>(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the <i>Environmental Planning and Assessment Act 1979</i>.</p>	<p>A Biodiversity Development Assessment Report (BDAR) Waiver Request and accompanying report was submitted on 17 January 2024, requesting to waive the requirements of a BDAR on the grounds the development is unlikely to impact biodiversity values in accordance with Clause 1.5 of the <i>Biodiversity Conservation Act 2016</i> and Clause 1.4 of the <i>Biodiversity Conservation Regulation 2017</i>.</p> <p>The Director, Greater Sydney Branch Biodiversity, Conservation and Science Group and the A/Team Leader, Key Sites Assessments of the Department of Planning, Housing and Infrastructure as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 20 February 2024.</p>

## State Environmental Planning Policy (Planning Systems) 2021

**Table 17** | Planning Systems SEPP Compliance Assessment

Control	Comment
<p>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development for hotel accommodation with an estimated development cost greater than \$100 million is declared State Significant Development in accordance with Schedule 1, Section 13(2) of the Planning System SEPP.</p> <p>As noted elsewhere in this report, the subject application was lodged prior to 13 December 2024, when clause 13(3) of the SEPP was introduced, allowing hotel accommodation with an estimated development cost of more than \$100 million to be assessed by the City.</p>

## State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development. The development is consistent with the controls contained in the SEPP.

## State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

**Table 18 | Transport and Infrastructure SEPP Compliance Assessment**

Matter	Consideration
Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network	
Clause 2.48 Determination of development applications – other development	<p>The application is subject to Clause 2.48 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line</p> <p>The application was referred to Ausgrid who did not raise an objection, subject to conditions.</p>
Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors	
Clause 2.99 – Excavation in, above, below or adjacent to rail corridors	<p>The site is located above both the Sydney Train City Circle tunnels (first reserve) and Sydney Metro City and Southwest tunnels (second reserve) and is subject to Clauses 2.99, 2.101 and 2.102 of the SEPP.</p> <p>In accordance with the requirements of the clause, the application was referred to Sydney Trains and Sydney Metro for comment and concurrence.</p> <p><i>Sydney Trains</i></p> <p>Sydney Trains initially requested additional information in relation to the potential effects of the development on</p>
Clause 2.101 – Development within or adjacent to interim rail corridor	
Clause 2.102 Major development within Interim Metro Corridor	

Matter	Consideration
	<p>the safety and structural integrity of the rail infrastructure, as well as the safe and effective operation of the rail infrastructure.</p> <p>The applicant provided a response to the above issues on 31 January 2025. Sydney Trains provided concurrence on 2 April 2025.</p> <p><i>Sydney Metro</i></p> <p>Sydney Metro requested additional information during the assessment of the application, including a detailed survey plan that accurately defined the boundaries between the site and the rail corridor; a copy of the current land title, geotechnical, structural, electrolysis and engineering reports, as well as cross sectional drawings.</p> <p>The applicant provided a response to the above issues on 31 January 2025. Sydney Metro provided assurance on 29 April 2025 that concurrence is forthcoming. It is therefore recommended that determination of the application be delegated to the Chief Executive Officer of the City of Sydney, pending the receipt of conditions.</p>

Division 17, Subdivision 2: Development within or adjacent to road corridors and road reservations

Clause 2.122 – Traffic-generating development	TfNSW advised that they had no objection to the proposal, subject to conditions relating to the servicing area, and the preparation of a Construction Pedestrian and Traffic Management Plan.
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## State Environmental Planning Policy (Resilience and Hazards) 2021

The aim of the Resilience and Hazards SEPP – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

The application is accompanied by a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) identifying the presence of Polycyclic aromatic hydrocarbons (PAHs) exceeding the health-based site assessment criteria, as well as sewage from a sewer underneath No. 372 Pitt Street. The identified contamination was likely the result of the presence of historical uncontrolled filling of the site.

The RAP recommends either excavation of soils and off-site disposal where the basement is to be located, or in-situ capping and containment where the existing concrete slab is to remain. The RAP provides flexibility as to whether one or both methods will apply.

The DSI and RAP have been reviewed by an accredited Site Auditor as part of the Interim Letter of Advice submitted with the application. The Site Auditor has confirmed that:

- Condition 14 of D/2021/1504 (the Concept Consent) is met in terms of contamination.
- A condition of consent is recommended regarding the implementation of the RAP and the provision of a Site Audit Statement by the Site Auditor prior to obtaining the Occupation Certificate.
- It is also recommended that a condition be imposed regarding the implementation of a Long-term Environmental Management Plan (LTEMP).
- The final decision with regard to remediation (either remove and dispose contaminated soils or in-situ capping or both) is to be communicated with the Site Auditor.

The City's Health and Building Unit are satisfied that the site can be made suitable for the proposed uses subject to the implementation of the RAP and conditions recommended by the Site Auditor.

### State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. The proposal includes the provision of signage visible from the public domain. The details, materials and content of the signage zones will be subject to a future development application. The signage zones include:


- 2x under awning signs to the west elevation – 400mm (h) x 1000 (w);
- 4x top hamper signs to the west elevation – 320mm (h) x 1900mm (w) above main arrival door, all others to be 320mm (h) x 1200mm (w);
- 1x top of building sign to the north elevation – 3050mm (h) x 3050mm (w).

Under Section 3.6 of the Industry and Employment SEPP 2021, consent must not be granted for any advertising sign application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 5.

An assessment of the signs against the assessment criteria in Schedule 5 of the SEPP is provided in **Table 19** below. The assessment criteria are designed to ensure the objectives of the SEPP are met, including ensuring that signage is compatible with the desired amenity and character of an area, provides effective communication in suitable locations and is of a high-quality design and finish.

**Table 19 | Industry and Employment SEPP Compliance Assessment**

Control	Comment
Character of the area	<p>The existing and future character of the area is mixed use, with towers and heritage items in close proximity, as well as buildings of varied scale.</p> <p>The proposed signage zones are generally compatible with the existing and expected character of the Central Sydney area.</p> <p>It is noted, however, that the under awning signs are 400mm wide in profile, when such signs typical in the streetscape are approximately 150mm. A condition is</p>

Control	Comment
	<p>recommended to reduce the width as per existing awnings in close proximity</p>
Special areas	<p>The site is not located within an environmentally sensitive area, but is located in close proximity to heritage listed buildings.</p> <p>The proposed signage zones will not detract from the amenity or visual quality of the surrounding area.</p>
Views and vistas	<p>The proposed signage zones will not obscure sightlines or impacts on important views. The proposed top of building signage is commensurate to the scale of the proposed buildings and would not dominate the skyline or result in unacceptable impacts to the quality of vistas.</p>
Streetscape, setting or landscape	<p>The scale of the signage zones is considered appropriate for the setting and modest in the context of the overall scale of the buildings and size of the site.</p> <p>As discussed above, the under awning signs are to be conditioned so that they are reduced in width.</p> <p>It is envisioned that the future signage will provide a visual interest within the area and will not require ongoing vegetation management.</p> <p>The proposed signage zones and future signage does not screen unsightliness and is not located above the building structure or the tree canopies.</p>
Site and building	<p>The proposed signage zones are compatible with the scale of the site. As discussed above, the under awning signs are to be conditioned so that they are reduced in width to match other signs in close proximity.</p> <p>Details on how the future signage will have no negative impact on the surrounding built form will be provided in any future application.</p> <p>It is envisioned that the future signage will be of high-quality finish and is consistent with modern signage found within the area.</p>
Associated devices and logos with advertisements and advertising structures	<p>The proposed development seeks zones for future signage and not advertising or advertising structures. As such the controls are not relevant for the proposed development.</p>



Control	Comment
	Nevertheless, details of safety devices, platforms, lighting devices and logos will be included in the future DA if relevant.
Illumination	Details of illumination will be provided in the future signage applications.
Safety	<p>The proposal will not reduce safety for any public road as it is clearly distinct from road signs and signals and will not include moving or animated imagery. The proposed signage will not reduce safety for pedestrians or cyclists.</p> <p>The proposed signage does not obscure sightlines of public area, and as such will not reduce safety for pedestrians or children.</p>

## State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, including minimise energy consumption, minimise use of potable water, optimise thermal performance and reduce greenhouse gas emissions. It also aims to ensure assessment is undertaken consistently, sustainability of buildings data is recorded and embodied emissions is monitored.

A consent authority must consider whether the development is designed to: minimise waste; reduce peak demand for electricity; reduce reliance on artificial lighting and mechanical heating and cooling through passive design; generate and store renewable energy; monitor energy consumption; and minimise the consumption of potable water.

The consent authority must also be satisfied the embodied emissions attributable to the development have been quantified and whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in NSW by 2050.

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

The City has assessed the project against the relevant requirements in the Sustainable Buildings SEPP and considers the project has provided the appropriate data regarding embodied emissions, will be fossil fuel-free and has been designed to meet the design considerations stipulated in the Sustainable Buildings SEPP as it will target a 4 Star NABERS Water rating for hotels and a 4 Star Green Star Buildings rating.

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

## Sydney Local Environmental Plan 2012

**Table 20 | Sydney LEP 2012 Compliance Assessment**

### Part 2 | Permitted or prohibited development

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

### Part 4 | Principal development standards

Provision	Comment	Compliance
4.3 – Height of buildings	<p>The site is in 'Area 3' pursuant to the Sydney LEP 2012; therefore no maximum height is shown for this land. Instead, the maximum height is determined by the sun access planes that are taken to extend over the land by Clause 6.17.</p> <p>A maximum height of 192.9m (RL206.1) is proposed, which is within the sun access plane applying to the site.</p> <p>This is consistent with concept approval D/2021/1504, and amending concept DA D/2024/36, both of which have building envelopes with a height of RL206.1.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>	Yes
4.4 – Floor space ratio	<p>A base maximum FSR of 8:1 is permitted for the site pursuant to Clause 4.4 of the Sydney LEP 2012. The site is located within 'Area 2' and is permitted to utilise the provisions of Clause 6.4.</p> <p>Based on the proposed 'hotel accommodation' and 'retail premises' uses, Clause 6.4 provides an opportunity for additional accommodation floor space of up to 6:1 on a pro-rata basis for hotel accommodation, and up to 4.5:1 for retail uses.</p> <p>Based on this proportion of uses, this equates to a floor space ratio (FSR) of 13.82:1.</p>	Yes

Provision	Comment	Compliance
	<p>A further 10% of FSR (1.38:1) is permissible, which may be awarded for design excellence, increasing the permitted FSR to 15.21:1.</p> <p>The application proposes an FSR of 14.16:1 (16,144sqm), which complies.</p>	

## Part 5 | Miscellaneous provisions

Provision	Comment	Compliance
5.10 - Heritage conservation	<p>The site is not a heritage item, nor is it located within a heritage conservation area.</p> <p>The site contains five, 3-storey commercial terraces, constructed c.1910-1912. The existing buildings are a rare surviving Federation era commercial terrace group, of which the most historically significant terraces are 372-374 Pitt Street, designed by architects Eaton and Bates.</p> <p>Concept approval has been granted under D/2021/1504 for the retention of the retail facades, and removal of the northern-most terrace at 372 Pitt Street to facilitate vehicular access.</p> <p>The application proposes the retention of the existing facades of Nos. 374-382A Pitt Street, and a minimum depth of 6m (approximately one bay) of the internal party walls to form part of the podium of the development, which is consistent with the concept approval.</p> <p>The design of the tower addition also responds to, yet is appropriately distinctive from, the terrace facades that are being retained. The landscape 'vessel' above the parapet is also to be setback 1m at the western (Pitt Street) elevation. Such a setback will maintain the visual prominence of the retained buildings and creates a sympathetic visual relationship between the terraces and the hotel tower.</p> <p>Overall, the proposed development will allow the original brick and steel construction, and the rectilinear form and scale of the terraces to be retained and perceived.</p> <p>The proposed development is supported by the City's heritage specialist, and appropriate conditions are recommended, including a refined design of the shopfront reconstruction.</p>	Yes

Provision	Comment	Compliance
5.21 – Flood planning	<p>The site is not identified as flood prone land however, the western side of Pitt Street is identified as being subject to flooding (low hazard).</p> <p>The flood assessment report and accompanying plan depicting flood levels at ingress points provided with the application confirms that entry and floor levels are compliant. An internal flood barrier is also proposed at the front entry. The flood consultant has advised that introducing strategies at the front entry to achieve 470mm height gain (for compliant flood planning levels) would have a significant impact on functionality. A 1:20 ramp at 9.5m in length would be required, with a combination of stairs and ramp (or DDA lift).</p> <p>The flood report, flood barrier details and justification have been reviewed by the City's Public Domain and Water Assets Units. The flood barrier is accepted in this instance and the proposal is capable of complying with the City's Interim Floodplain Management Policy.</p>	Yes

## Part 6 | Local provisions – height and floor space

Provision	Comment	Compliance
Division 1 Floor space in Central Sydney		
6.4 – Accommodation floor space	<p>The site is located in 'Area 2' and is eligible for accommodation floor space based on the proposed indicative land uses on a pro-rata basis.</p> <p>Based on the proportion of hotel and retail uses proposed, the proposal is eligible for an additional accommodation floor space ratio of up to:</p> <ul style="list-style-type: none"> <li>• 4.5:1 for retail uses; and</li> <li>• 6:1 for hotel accommodation.</li> </ul> <p>The proposal provides 0.5:1 of retail FSR and 5.31:1 of hotel accommodation FSR, which complies.</p>	Yes
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space (HFS)	<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 1,000m<sup>2</sup>, 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>	Yes

Provision	Comment	Compliance
	The proposed development utilises 7,024.8sqm of accommodation floor space, which is the GFA above the base FSR of 8:1, and was the winner of a competitive design process. As such, 2,512.4sqm of HFS is required. A condition is recommended for HFS to be purchased and allocated.	
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney	<p>The proposal has demonstrated that it achieves the relevant wind comfort and safety standards to the surrounding public domain in accordance with concept approval D/2021/1504 and allows acceptable movement of air to provide ventilation around the tower form.</p> <p>The proposal will not have an adverse impact on significant views from the public domain and achieves acceptable level of outlook for the proposed development and neighbouring properties. The height of the building preserves sun access to public places and will maintain acceptable daylight access to the surrounding public domain.</p> <p>Neighbouring heritage items have been highly considered within the design providing an acceptable response to the heritage significance of local and State heritage items. The retention of the retail terrace facades and parapets create a podium response that aligns with the neighbouring heritage significant buildings for a consistent transition.</p>	Yes
6.17 Sun access planes	<p>The maximum building height of the site is restricted by the Belmore Park (1A) Sun Access Plane (SAP).</p> <p>The proposed development seeks maximum height of RL 206.1m and does not exceed the Belmore Park SAP.</p>	Yes
6.18 Overshadowing of certain public places	The proposal does not result in any additional overshadowing to places shown on the Sun Access Protection Map.	Yes
Division 4 Design excellence		
6.21C Design excellence	See discussion under <b>Section 6.2</b> . The proposal responds appropriately to the concept approval conditions and planning controls where required, and the built form is compatible with the heritage character of the area, providing a suitable transition in scale in terms of the podium and tower form.	Yes



Provision	Comment	Compliance
	<p>The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning controls and reflecting the desired future character of the area.</p>	
6.21D Competitive design process	<p>The proposal utilises the additional 10% floor space bonus.</p> <p>An architectural design competition, based on the in-principle approved hotel, retail and residential uses, was undertaken over November 2022 - February 2023 in accordance with the provisions of Clause 6.21D of the SLEP 2012 and the City of Sydney Competitive Design Policy.</p> <p>As noted elsewhere in this report, there has since been a change of use from residential and hotel accommodation with ancillary retail premises to hotel accommodation and ancillary retail premises. Notwithstanding, the proposed design, being the winner of a competitive design process, has retained the key elements of the winning proposal while addressing recommendations made by the selection panel for improvements.</p> <p>Section 5.2 of the City's Competitive Design Policy states that <i>where a competitive design process winning scheme is subsequently development or modified, a Design Integrity Assessment (DIA) will be required to be submitted.</i></p> <p>The application has been considered by the City's Design Advisory Panel (DAP), and this process is considered to satisfy the requirements of the Policy. The applicant has also undertaken their own design review (outside of the City's requirements) with the design competition Selection Panel.</p>	Yes

## Part 7 | Local provisions – general

Provision	Comment	Compliance
<b>Division 1 Car parking ancillary to other development</b>		
7.3 Car parking spaces not to exceed maximum set out in this Division	The maximum number of car spaces permitted is 84.  The application does not propose any on-site parking other than 2x service spaces.	Yes
<b>Division 3 Affordable housing</b>		
7.13 Contribution for purpose of affordable housing	The site is subject to affordable housing contributions under Clause 7.13. A condition of consent has been recommended that requires the payment of affordable housing contributions prior to any construction certificate.	Yes
<b>Division 4 Miscellaneous</b>		
7.14 Acid sulfate soils	The site is located on land with Class 5 Acid Sulfate Soils (ASS) and is not within 500mm of adjacent Class 1, 2, 3 or 4 ASS land. Acid Sulfate Soils are not expected to be encountered.	Yes
7.16 Airspace operations	The development has a total height of RL206.1 (192.9m). The building penetrates the Obstacle Limitation Surface by 50.1m, constituting a “controlled activity” under Section 182 of the <i>Airports Act 1996</i> . As discussed in Section 5 of this report, the application was referred to Sydney Airport and approval was granted for the proposed controlled activity, subject to conditions.	Yes
7.20 Development requiring or authorising preparation of a development control plan	A development with a height greater than 55m and a site area more than 1,500sqm within Central Sydney would require the preparation of a development control plan. However, Section 2.10 of the State Environmental Planning Policy (Planning Systems) 2021 prevents the requirement of a development control plan for State Significant Development.  Notwithstanding, the site is subject to concept consent D/2021/1504. An amending concept DA D/2024/36 to incorporate modifications to the building envelope and approved uses is also being assessed and is to be reported to CSPC concurrently with this SSD.	Yes
7.25A Sustainable development in Central Sydney tower cluster areas	This clause applies to sites within Central Sydney tower cluster areas that are seeking additional floor space under	N/A

Provision	Comment	Compliance
	<p>clause 6.21E(2) or a building height that exceeds the permitted maximum under clause 6.21E(5) (or both).</p> <p>Whilst partially located in the Central Sydney tower cluster area, the proposal does not seek additional floor space under clause 6.21E, nor does it exceed the permitted maximum height.</p>	
7.33 Sustainability requirements for certain large commercial development	The development satisfies the requirements of the sustainability requirements for large commercial development. In relation to energy standards, the ESD report states that the development will achieve a 4 Star NABERS Energy rating, as detailed in Section 3.6.1 of the Sydney DCP 2012, along with a net zero statement to outline a strategy to for the development to operate as fossil fuel-free by 2035, satisfying both the Sustainable Buildings SEPP and the Sydney LEP 2012.	Yes

#### Other matters

#### **Sydney Development Control Plan 2012**

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

## Appendix C – Response to community submissions

**Table 21** | Response to community submissions

Issue	Consideration
<p><b>Construction Impacts</b> – demolition and construction period (noise, vibration and dust) will have an impact on the operation of surrounding businesses and their plant equipment. Risk of ground displacement / undermining of support to foundations of surrounding buildings.</p>	<p>The expected impacts on the operation on nearby businesses are noted.</p> <p>The anticipated impacts of the proposed demolition, excavation and construction of the development are considered acceptable, and conditions of consent are recommended to mitigate these impacts. Conditions include:</p> <ul style="list-style-type: none"> <li>• Preparation of a construction traffic management plan</li> <li>• Preparation construction environmental management plan – this includes control and management of dust pollution</li> <li>• Compliance with the City's hours of construction requirements</li> <li>• Preparation of a construction noise and vibration management plan – which will recommend respite periods and other noise control measures</li> <li>• Compliance with standard noise and traffic management conditions</li> </ul> <p>Discussions between the owner/developer and neighbouring occupants in relation to private events/general business operations being disrupted by construction noise and the like are separate to the SSDA process.</p>
<p><b>Carruthers Place</b> – proposal has the capacity to impede egress from fire doors, fire control room and boosters of neighbouring property to the north at 370 Pitt Street – during construction and occupation of the building.</p> <p>The car park located behind the subject site currently uses Carruthers Place for vehicular access and will be landlocked as a result of the development.</p> <p>Easements/approvals have not been taken into account. Carruthers Place is meant to be a public laneway and constructing within this laneway is a breach of previous approvals granted by Council for the construction of 370 Pitt Street.</p>	<p>Carruthers Place is a privately owned laneway with no easements registered on title benefitting 370 Pitt Street for vehicular access or fire egress. Notwithstanding, the proposal includes an easement for access to the fire escape (and other necessary building services) of neighbouring property at 362-370 Pitt Street, within Carruthers Place, exiting onto Pitt Street. Access is provided for on the proposed ground floor plan with a width of between 1.4m-1.5m, with no obstruction to egress or services.</p> <p>In addition, a search of Council's records shows there are no consents for vehicular parking at this location, behind the subject site.</p>

Issue	Consideration
<p>Carruthers Place provides access, air, light, outlook and ventilation to the building and there will be a substantial loss of amenity as a result of this proposal.</p>	<p>Concerns regarding access to 370 Pitt Street fire safety services being restricted during construction and operation are noted, however this is to be covered by the new easement. Obstruction of such services is not permitted at any time, as per regulation 109 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>The podium and tower envelope was approved under D/2021/1504, which assessed the proposed massing, particularly in relation to the interface of Carruthers Place and 370 Pitt Street as acceptable. The tower is setback of 6.29m – 6.6m at the northern boundary to address separation to the adjoining building, to maintain daylight access to existing outlook for 370 Pitt Street. The proposed tower setbacks have been assessed as acceptable as part of D/2021/1504, and the Amending Concept DA D/2024/36 has not altered these upper-level side and rear setbacks.</p> <p>It is not anticipated that any unacceptable overlooking or privacy impacts will be created, as windows within the tower portion of the development facing north and south in particular, are secondary windows to the hotel rooms. The City considers this matter to be sufficiently addressed, and no specific conditions of consent are recommended.</p>
<p><b>Pedestrian safety</b> - in relation to the use of Carruthers Lane by pedestrians (existing the fire stair of 370 Pitt Street or walking along Pitt Street) in conflict with service vehicles.</p>	<p>The development has been designed so that it does not restrict pedestrian access to Carruthers Place, as discussed above and elsewhere in this report.</p> <p>Vehicular access within Carruthers Place / Pitt Street was identified as acceptable in concept approval D/2021/1504. This SSDA has demonstrated that vehicular access in this location is appropriate, and standard conditions are recommended to ensure the safe use and operation of the loading dock / entry point with minimal impact to the public domain.</p>
<p><b>Loss of light to public domain</b> - relating to the proposed landscape 'vessel' exceeding the approved podium height and disproportionate scale of the development.</p>	<p>The changes to the approved building envelope to vary the podium height and accommodate the proposed landscape 'vessel' have been assessed as acceptable under D/2024/36. The proposed changes do not result in any significantly adverse amenity impacts to the public domain, nor the streetscape and character of the area.</p>



Issue	Consideration
	<p>With the exception of the landscape 'vessel' at level 4, the proposed development is consistent with the approved building envelope of D/2021/1504, following established height, bulk, scale and setbacks.</p> <p>Additionally, the proposal complies with the maximum permitted height and FSR for the site.</p>
<p><b>Overshadowing to neighbouring apartment buildings</b> – particularly 91 Goulburn Street to the south-east of the subject site.</p>	<p>The concept DA approved was supported by a shadow study that confirmed there would be no overshadowing impacts to 91 Goulburn Street. This study is still applicable given that no changes are proposed to the extent of the tower.</p>

## Appendix D – Recommended instrument of consent