

2 February 2023

Our Ref: 2024/055729  
File No: R/2023/3/A

Rodger Roppolo  
Senior Planning Officer  
Department of Planning

via Major Projects Portal

Dear Rodger,

**SSD-53687734 – 301-305 Kent Street & 35-39 Erskine Street, Sydney – Concept DA Hotel Development – Advice on EIS**

Thank you for your correspondence dated 8 January 2024 inviting the City of Sydney Council (the City) to comment on the above SSD application.

The classification of projects such as this as **State Significant Development** continues to be unacceptable and must be reformed. This project is seeking to utilize changes to the planning controls led by the City of Sydney.

This SSD proposal seeks consent for a Stage 1 concept envelope for future hotel and retail uses at the site, with a maximum height of 110m. This proposed building envelope is almost entirely consistent with a previous SSD consent on site approved in August 2020 (SSD-9694), also for a Stage 1 concept for future hotel and retail uses however with a maximum height of 80m. It is understood that the subject SSD has been lodged to benefit from recent Sydney LEP 2012 (LEP) changes which allow for an increase in maximum building height on site up to 110m.

The City has reviewed the information provided as part of the public exhibition and raises a number of significant concerns detailed below for your consideration.

**1. Building Envelope**

In order to achieve compliance with the objectives and requirements of Clause 6.16 (Erection of tall buildings in Central Sydney) of the LEP, for which this SSD application relies on (and must achieve), an assessment against the Central Sydney built forms controls within Section 5.1 of the Sydney DCP 2012 (DCP) must be undertaken, as these are the more detailed provisions that expand upon the Clause 6.16 controls within the LEP.

The proposed concept building envelope adopts the same upper level setbacks and street frontage heights of the previous lower SSD concept approval. However, the previous consent was approved prior to the current Central Sydney DCP built form controls.

By not complying with the new setback requirements for the taller building, the proposal triggers the requirement for an equivalency test to demonstrate equivalent or improved daylight levels and wind comfort and safety compared to a compliant building envelope. The equivalency test is outlined in Schedule 12.2 Procedure B of the DCP.

It appears that the equivalency test has not been undertaken. The City requires this in order to understand the impacts of the increase in tower height made available under the control. If the

equivalency test fails for the proposed building envelope, then the proposal cannot be supported unless the minimum DCP setbacks are provided.

The City would not support an increase in building height alongside non-compliances with the street wall height and upper level setback controls, if the resultant envelope results in a poorer outcome for wind comfort and daylight levels to surrounding public spaces. Although the envelope of the previous SSD may have been acceptable at the time, it was approved prior to the current controls which require the equivalency test and before further increase in height can be approved.

For clarity, the table below highlights the proposed compliance and non-compliances with the built form controls.

<i>(Non-heritage item, frontage adjacent to a public place &gt;8m, proposed building height 55m-120m)</i>	Control (min)	Proposed
Street frontage height - <ul style="list-style-type: none"> <li>• Kent Street:</li> <li>• Erskine Street:</li> </ul>	20-35m 20-35m	20m 45m
Upper level street setback - <ul style="list-style-type: none"> <li>• Kent Street:</li> <li>• Erskine Street:</li> </ul>	8m 8m	6m 8m
Side and rear setbacks <ul style="list-style-type: none"> <li>• West boundary:</li> <li>• South boundary:</li> </ul>	4m 4m	1.35m-6m Varies to 3m

The following matters are also noted regarding the proposed concept building envelope:

- The wind report should be updated for any Stage 2 to include the extent of wind mitigation devices.
- The indicative reference design drawings are to include the building envelope outline to demonstrate that the indicative reference design is capable of being delivered within the proposed building envelope. Site boundaries are to be provided on the sections and elevations of both the building envelope and reference scheme drawings.
- The proposal is to consider the environmental impacts of the proposed envelope on the most recent Court approval at 41-45 Erskine Street (D/2022/643), particularly with regard to wind.
- Side and rear setbacks at Stage 2 should be solid.

## 2. Easement

The site includes a Right of Way easement that benefits the adjacent site to the north (41-45 Erskine Street), providing vehicle access to that site. The previous SSD consent for the subject site allows for changes to the levels of the existing driveway, whereas the recent Court approval for 41-45 Erskine Street (D/2022/643) assumes the existing levels of this driveway.

This issue of access is to be resolved between the two sites. The proposed ground level plan in the indicative drawings is to include the approved ground level plan for 41-45 Erskine Street and show the relationship with the proposed levels of the Right of Way to the car lift approved under D/2022/643. Matters regarding maintenance and repair costs of the Right of Way should also be considered at this stage.

### 3. Heritage

The City reiterates its previous position regarding the retention of the brick wall facades on Kent Street. As warehouse buildings should be adaptively re-used and retained in accordance with Section 3.10.1 of the DCP, the retention of the existing brick facades on Kent Street should remain a design option with the Stage 2 detailed design DA, to be considered by the competing architects.

The existing brick facades of both 301 and 305 Kent Street make a strong contribution to streetscape of Kent Street and historical setting of adjacent heritage buildings. They are in a good condition and easily adaptable. In particular, the façade of 305 Kent Street has a high level historical and aesthetic significance. The facades can be incorporated into the new development without causing onerous technical and financial burdens to the redevelopment.

If retention of the existing brick facades is not to be adopted, a proper interpretative design of the Kent Street podium façade to reflect the industrial character of Kent Street by using robust brickworks, is required. A design requirement of the podium should be specified in the future design competition brief.

### 4. Street Tree Protection

An Arboricultural Impact Assessment (AIA) report prepped by a AQF Arborist is required to assess any impacts of the proposed concept building envelope and indicative reference scheme (including but not limited to the placement of the stormwater pipes and awning location along Kent Street) in the vicinity of the existing street tree (Oriental Plane - *Platanus orientalis Digitata*) located in front of 305 Kent Street.

### 5. Traffic & Transport

With regard to the indicative reference scheme, the following traffic and transport matters are to be addressed:

- As outlined above, the proposed vehicle crossover and driveway on Kent Street must also provide access to the car lift proposed at 41-45 Erskine Street.
- Swept paths are to be provided showing that the driveway can accommodate a B99 design vehicle to be used for 41-45 Erskine Street.
- Queuing analysis should also be undertaken to demonstrate that the driveway design is able to handle the 98<sup>th</sup> percentile queue from both buildings combined, without impacting on traffic in Kent Street.
- The width of the driveway should be reduced and operate as a one-way system across the footpath with the waiting on-site.
- A GFA yield table is required for the various uses to confirm that the number of service bays provided meets the relevant DCP requirements.
- Regarding the loading dock layout, the 1.4m wide clearance between the SRV space and wall is too narrow to manoeuvre goods and bins while both SRV spaces are full. This clearance is to be widened to allow for the maximum bin size to pass through.
- The bicycle storage area that is only 4.8m x 7.8m is not large enough to accommodate the proposed 40 bicycles spaces, is to be redesigned. It is preferred that the visitor and staff bicycle parking is separated into two rooms.
- Motorcycle parking is to be reduced in line with the DCP rates (4-5 spaces only).
- A Loading Dock Management Plan (LDMP) will be required to demonstrate that the future hotel use can fully service loading and passenger set down activity onsite, including how communications will be managed so that drivers know not to use kerbside.

### 6. Waste Arrangements

With regard to the indicative reference scheme, the following waste collection matters are to be addressed:

- The Waste Management Plan (WMP) recommends a 43.7sqm waste storage area, whereas there is a 42sqm area for waste facilities on the indicative reference drawings. It is recommended that an adequately sized waste storage room be provided, and the waste facilities area is separately designated as a holding area/temporary presentation point. A safe and efficient pathway is required between these two areas.
- The Traffic Impact Statement (TIS) refers to waste collections occurring daily, however the WMP indicates 15 collections per week. Please clarify and update the documents accordingly. The proposal includes access for SRV trucks and a 7m long Toyota Coaster, however vehicle access for a larger vehicle such as an 8.8m long MRV should be considered, to ensure there are a variety of options for waste servicing.
- Please confirm the largest vehicle (length and height) that can safely access the loading dock with a swept path analysis and confirm any arrangements that may be required for this to take place (e.g. a vacant dock and after hours servicing). These should be documented in the TIS and WMP.

## 7. Public Art

The Preliminary Public Art Plan (PPAP) is not supported as the primary opportunity site proposed for public art will be almost entirely obscured by future development of the adjacent corner property at 41-45 Erskine Street.

It is recommended that the opportunity sites be revisited to include the two street facing façade frontages on Kent and Erskine Streets as well as the Kent Street entry, to ensure the longevity of the public art contribution to the site.

The lifespan for the artwork should be amended to reflect a lifespan that is in line with the life of the building. It is also recommended that the budget of \$1.5 million be reconsidered to comprise in the order of 1% of the cost of development.

## 8. Ecologically Sustainable Development

The following ESD targets are proposed:

- 5 Star NABERS Energy
- 4 Star NABERS Water
- Minimisation of on-site fossil fuels

The minimisation of onsite fossil fuels can be justified through the selection of space heating and cooling and domestic hot water. Fan-coil ducted reverse-cycle HVAC is proposed for space heating and cooling and air sourced heat pumps are proposed for DHW. This could promote opportunities to electrify the building given the removal of fossil fuels in kitchen appliances.

At the Stage 2 detailed design DA, the development will be required to submit a Net Zero Statement and reporting of embodied emissions. Embodied emissions have not been addressed in the subject Stage 1 DA, and it is strongly recommended that the development set a target with respect to reducing embodied emissions associated with development. Current practice suggests that up to a 20% reduction in embodied emissions can be achieved without financially impacting the development and construction.

Should you wish to speak with a Council officer about the above, please contact Mia Music, Senior Planner on 9246 7283 or at [mmusic@cityofsydney.nsw.gov.au](mailto:mmusic@cityofsydney.nsw.gov.au).

Yours sincerely,



**Graham Jahn** AM LFRAIA Hon FPIA  
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 City Planning | Development | Transport