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URBIS

301-305 KENT STREET, SYDNEY

Scoping Report

Prepared for
ROMANOUS DEVELOPMENTS PTY LTD
19 December 2022

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1. INTRODUCTION

This Scoping Report has been prepared on behalf of Romanous Developments Pty Ltd and in support of a proposed hotel development at 301-305 Kent Street and 35-39 Erskine Street, Sydney (**the site**). The purpose of this report is to seek Secretary's Environmental Assessment Requirements (**SEARs**) for the preparation of an Environmental Impact Statement (**EIS**). This EIS will accompany a Concept State Significant Development Application (**SSDA**) for a proposed building envelope at the site.

This section of the report identifies the applicant for the project and describes the site and proposed development. It outlines the site history and feasible alternatives explored in the development of the proposed concept, including key strategies to avoid or minimise potential impacts.

The report is supported by the following documentation:

- Scoping Summary Table (**Appendix A**)
- Concept Architectural Plans (**Appendix B**)
- QS Report (**Appendix C**)
- BDAR Waiver Request (**Appendix D**)

To support the request for SEARs, the following sections of this Scoping Report provide an overview of the proposal and its site location and context, a description of the concept proposal, the strategic and statutory context, key environmental and planning issues associated with the proposal, expected report and document deliverables, and further details on community engagement.

1.1. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Romanous Developments Pty Ltd
Postal Address	Level 8, 10 Park Road Hurstville NSW 2220
ABN	16 660 562 970
Nominated Contact	Danny Romanous
Contact Details	danny@romanous.com.au +61 409 091 116

1.2. PROJECT DESCRIPTION

The Concept SSD will seek consent for:

- A maximum building envelope up to 110m in height (RL 120.67) with a total gross floor area (GFA) of approximately 13,000 sqm
- Use of the site as a hotel (with ancillary retail at the ground floor)
- Five levels of basement parking
- Pedestrian and vehicular access.

In accordance with Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the proposed building envelope will comprise a concept proposal only. Further approval will be sought for the detailed design and construction of the proposed hotel as part of a future Detailed Development Application (**DA**).

The proposed development has an estimated capital investment value (**CIV**) which exceeds \$100 million (refer to the QS Report included at **Appendix C**). Therefore, the proposal is classified as SSD under Schedule 1 Clause 13 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) being ‘development for other tourist related purposes’.

In accordance with Section 4.5 of the EP&A Act, the Minister is the consent authority for the proposal (unless the application is referred to the Independent Planning Commission). This DA would be submitted to the Department of Planning and Environment (**the Department**) as a Concept SSD application.

The site information relevant to the proposed development is provided in the following table. A detailed description of the key features of the site and locality is provided in **Section 2.2** of this report.

Table 2 Site Details and Legal Description

Descriptor	Site Details
Street Address	301 and 305 Kent Street and 35-39 Erskine Street, Sydney
Legal Description	Lot 1 DP 980369 Lot 305 DP 669166 Lots 1-3 DP 443974 Lot 1 DP 76374
Site Area	1,028 m ²

1.3. PROJECT BACKGROUND

The site is subject to a previous Concept SSD development consent which was approved in August 2020 (SSD-9694). This approval granted consent for a 26-storey concept building envelope (up to a maximum height of 80m) for a hotel development including five levels of basement car parking and vehicular and pedestrian access arrangements.

The building envelope approved under the previous Concept SSD was based on the planning controls that applied to the site at the time under the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). These previous controls included a maximum building height of 80m (plus an additional 10% height or floor space, subject to demonstrating design excellence), and a maximum FSR of 11:1.

Following approval of the Concept SSDA, the Central Sydney Planning Strategy (2016-2036) introduced new planning controls which allow greater height and density in some locations within Central Sydney. These new planning controls were gazetted in November 2021 and allow additional height and floor space to be accommodated on site. Refer to Section 4.3 for further details on the current planning controls.

The proposed development seeks to optimise the development potential of the site by seeking approval for a concept building envelope which is consistent with the recently amended planning controls in order to deliver a high quality hotel development within Central Sydney.

2. STRATEGIC CONTEXT

This section describes the way in which the proposed development addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project which will be explored in further detail within the future EIS.

2.1. PROJECT JUSTIFICATION

The proposed development is consistent with the relevant strategic planning framework, as set out within the following section.

2.1.1. NSW Visitor Economy Strategy 2030

The NSW Visitor Economy Strategy 2030 provides a roadmap supporting industries involving the visitor economy to recover from the recent impacts of drought, bushfires and COVID-19, for further growth in the future. The visitor economy is one of Australia's major exports that contributes \$38 billion to the economy and 300,000 employees. The target for 2030 is to contribute \$65 billion in total visitor expenditure by 2030.

The proposal will directly respond to the NSW Visitor Economy Strategy 2030's objectives through private sector investment in visitor infrastructure at a highly connected and accessible location, supporting industries involved in the visitor economy. The proposal hotel development represents a direct investment in excess of \$100 million into the visitor economy.

The proposal will also generate employment opportunities within the hospitality sector, attract investment within the broader CBD and improve the visitor experience for tourists visiting Sydney. The two main pillars that the proposed development will help to achieve include facilitating growth and building the brand through by delivering a high quality visitor accommodation and ground floor retail in the future.

2.1.2. Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The proposed development is relevant to the following objectives of the Region Plan:

- Objective 4 Infrastructure use is optimised – Increasing tourists visitors who will utilise public, private and active transport to travel to the Central Sydney CBD
- Objective 12 Great places that bring people together
- Objective 18 Harbour CBD is stronger and more competitive
- Objective 22 Investment and business activity in centres
- Objective 24 Economic sectors are targeted for success

The visitor economy is identified as a key economic sector for the Eastern Harbour CBD and international visitor spend contributes significant to the economy. The proposed will deliver a high quality hotel that will provide additional tourist accommodation, increasing the competitiveness of the Central Sydney Harbour CBD's economy against cities and countries around the world.

As a strong economic sector, appropriate facilities are required to enhance visitor experience and attract future visitors. Encouraging development that will deliver these facilities will therefore achieve economic growth within the region, further enhancing the tourism experience and liveability, and bringing together people from out of the region and around the world.

2.1.3. Our Greater Sydney 2056: Eastern City District Plan

The Eastern District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

- Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities
- Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage
- Planning Priority E7 Growing a stronger and more competitive Harbour CBD
- Planning Priority E9 Growing International Trade Gateways
- Planning Priority E11. Growing investment, business opportunities and jobs in strategic centres
- Planning Priority E14. Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways

Figure 1 Eastern Harbour CBD



2.1.4. Central Sydney Planning Strategy, City of Sydney

The Central Sydney Planning Strategy (CSPS) 2016-2036 is a 20-year strategy that seeks to guide growth and change in Sydney, facilitate a lively and engaging city centre, and create a sustainable and resilient city that is globally competitive and serves its residents, workers and visitors. The Strategy outlines 10 key moves, including the following, which the proposed development is consistent with:

- **Prioritise employment growth and increase capacity** – The proposed development would comprise approximately 13,000 sqm of hotel floor space (with ancillary retail at the ground floor) and will generate approximately 80 jobs throughout operation of the hotel.
- **Ensure development responds to context** – The proposed hotel achieves the intent of providing setbacks which facilitate good amenity to adjacent buildings in terms of outlook, daylight and wind comfort as required by the Central Sydney Planning Framework.
- **Consolidate and simplify planning controls** – It is anticipated that the proposed development would comply with the recent amendments to the planning controls within the Sydney LEP 2012 (as finalised under the Central Sydney Planning Framework).
- **Move towards a more sustainable city** – The proposed development is committed to incorporating a high standard of sustainability and energy efficiency.
- **Reaffirm commitment to design excellence** – The proposed development will deliver a high-quality building design which supports Sydney's status as a global city and delivers an improved design outcome.

Metropolitan Sydney is one of Australia's leading destinations for tourists and visitors, and is the gateway to NSW. The proposed hotel development is consistent with the priorities set out within the CSPS and would contribute towards ensuring that Central Sydney remains a popular destination for international and domestic visitors whilst also supporting the growing tourism industry.

2.1.5. City Plan 2036: Local Strategic Planning Statement

The site is located within the CBD and Harbour village. As identified in the City Plan 2036, the village includes major tourism destinations and a cluster of tall buildings with a broad mix of uses including offices, retail, hotels, entertainment and night life.

The City Plan 2036 also recognises within the strategic principles for growth that proposals must consider strategically valuable land uses that are underprovided by the market, such as (but not limited to) hotels. The proposal would deliver a strategically valuable land use in an area that attracts tourists and that aligns with the desired character for the CBD and Harbour village.

2.2. THE SITE AND SURROUNDING CONTEXT

2.2.1. Site Location

The site is located in the western portion of the Sydney CBD within the City of Sydney Local Government Area (LGA). It includes two street frontages, with the primary frontage being Kent Street to the east and the site's secondary frontage being Erskine Street to the north. This part of the CBD comprises mainly high rise mixed use buildings which include commercial, retail, hotel and residential land uses. The site is highly accessible by existing and future public transport including trains, buses, light rail, ferry services, established cycle paths, walking paths as well as the future metro stations.

The site is located at 301 and 305 Kent Street and 35-39 Erskine Street, Sydney and comprises a total of six lots. The legal description of the site is Lot 1 DP 980369, Lot 305 DP 669166, Lots 1-3 DP 443974, and Lot 1 DP 76374. The site has a total area of 1,028 m². The topography of the site falls by approximately 4m from east (along Kent Street) to west (along Erskine Street). The site's location is shown in **Figure 2** and **Figure 3** below.

Figure 2 Local and Regional Context

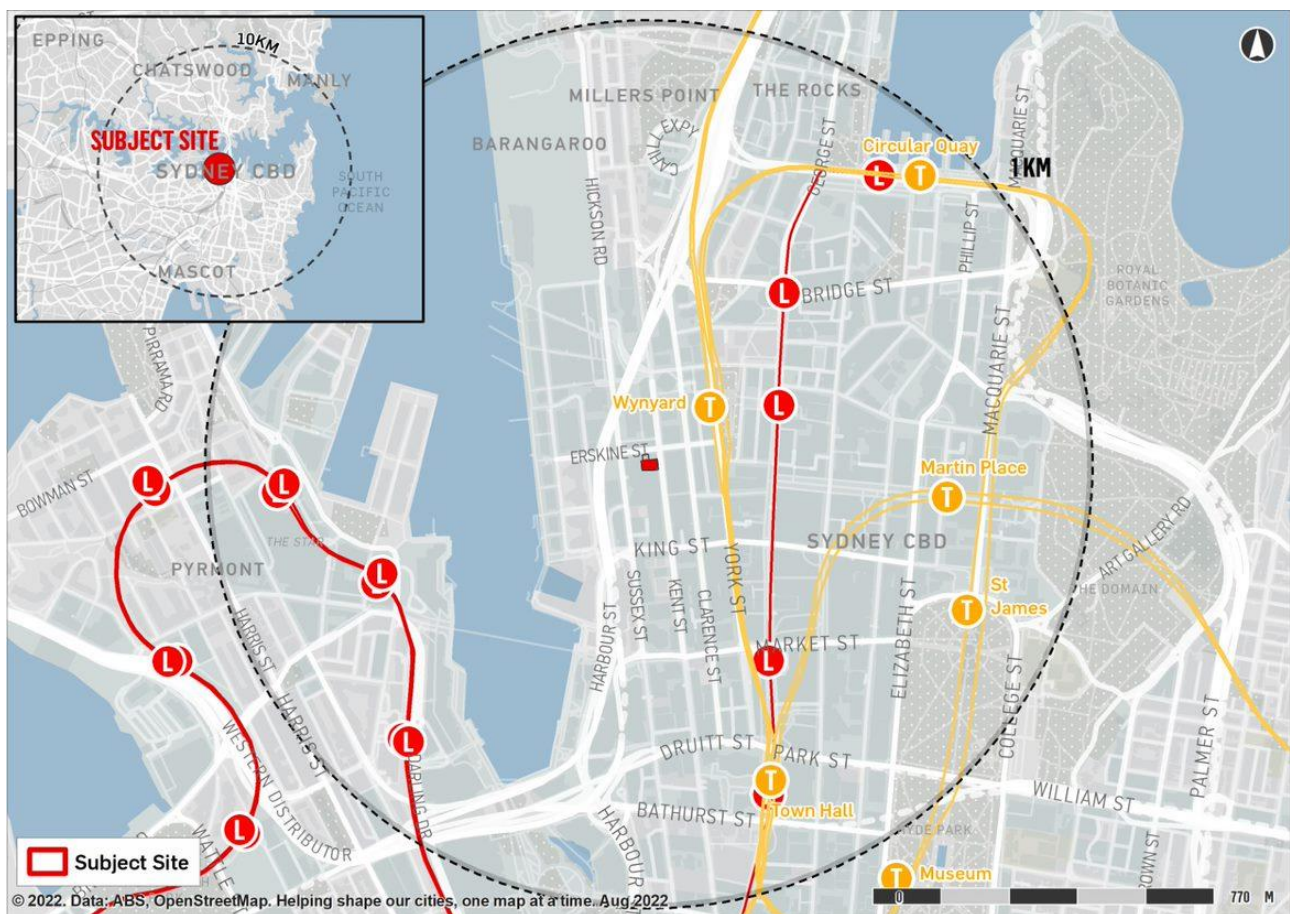


Figure 3 Aerial Map of Site Location



Source: Urbis (2022)

The existing development on site comprises the following:

- **301 Kent Street** (Lot 1, DP76374 and Lot 1, DP980369) – 5-storey commercial building currently occupied by a hotel ('Siesta Sydney').
- **305 Kent Street** (Lot 305, DP669166) – 4-storey commercial building occupied by a gym and fitness centre at the ground floor, and commercial premises on the upper levels.
- **35-39 Kent Street** (Lots 1-3, DP443974) – 3-storey commercial terraces which comprise several existing retail tenancies at the ground floor.

Images of the existing development at the site is shown in **Figure 4** below.

Figure 4 Images of Existing Development



Picture 1 Existing Development at 41-45 Erskine Street (Facing South West)



Picture 2 Existing Building at 301 Kent Street (Facing West)



Picture 3 Existing Buildings at 301 and 305 Kent Street (Facing West)

Source: Urbis (2022)



Picture 4 Existing Commercial Terraces at 35-39 Erskine Street (Facing South)

2.2.2. Surrounding Context

The site is located within walking distance of a range of public transport services including Wynyard Station (approximately 200m to the east), the Sydney CBD and South East Light Rail station at Wynyard, Barangaroo Wharf (approximately 600m to the west), and bus services.

The site is generally surrounded by a mix of commercial, retail and hotel land uses within a combination of both tall commercial towers and lower scale commercial buildings. The site is not identified as a heritage item, nor is it located within a heritage conservation area. However, there are several heritage-listed items (of both local and state heritage significance) located near the site. These are identified within **Figure 6** below.

The site is immediately surrounded by the following developments (as shown within **Figure 5**):

1. **41-45 Erskine Street and 299 Kent Street** – An existing 3-storey building comprising commercial and retail tenancies.

In February 2018, Council granted deferred development consent (D/2017/1167) for a DA to demolish all existing buildings and redevelopment of the site for a 16-storey hotel. The development consent lapsed in February 2020.

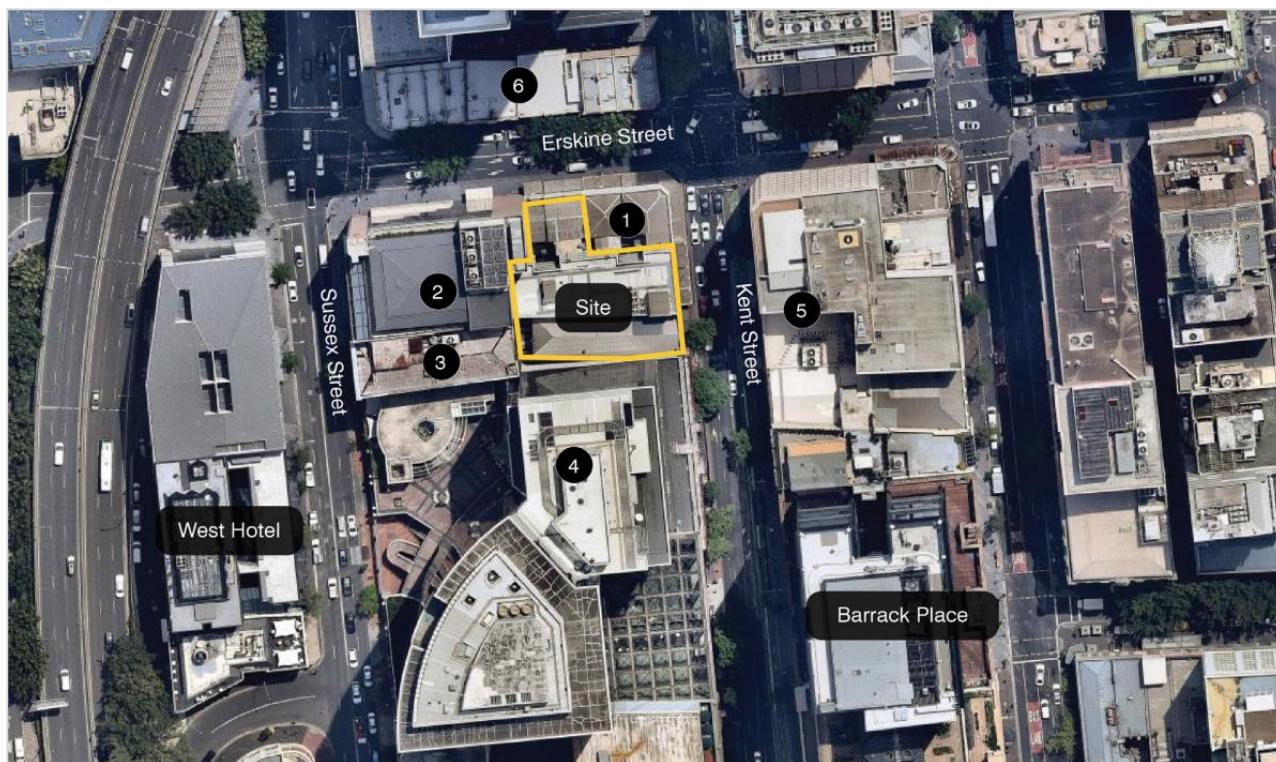
In September 2021, Council granted deferred development consent (D/2020/302) for demolition of all existing buildings and redevelopment of the site for a 16-storey hotel including 3 basement levels. The design approved under this DA was generally consistent with the previous lapsed consent.

In June 2022, a DA was submitted to Council to demolish all existing buildings on site and construct a new 17-storey residential apartment development including 9 basement levels with access from the existing right of way at 301 Kent Street. This DA is currently under assessment.

2. **25-33 Erskine Street** – 8-10 storey commercial building adjoining the site to the west.
3. **82-84 Sussex Street** – 8-storey office building adjoining the site to the west.
4. **309-321 Kent Street** – Two A-grade office buildings comprising over 47,000 sqm of floor space adjoining the site to the south.
5. **Kent Street to the east** – A 14-storey commercial office building including 'The Office Hotel' at 117-121 Clarence Street and a local heritage-listed 7-storey warehouse building at 123–129 Clarence Street (and 252–258 Kent Street) identified as the 'Former Edwards Dunlop & Co Warehouses including interiors' (I2274).
6. **Erskine Street to the north** – Several heritage-listed commercial buildings, including a 2-storey local heritage-listed building at 42-50 Erskine Street ('Commercial Terrace group including interiors', I1754), a 2-storey local heritage-listed building at 52-54 Erskine Street ('Former "CW Foley & Co" commercial terrae pair including interiors', I1755), and a 3-storey State heritage-listed building at 82 Erskine Street identified as 'Former "Watch House" including interiors' (I1758).

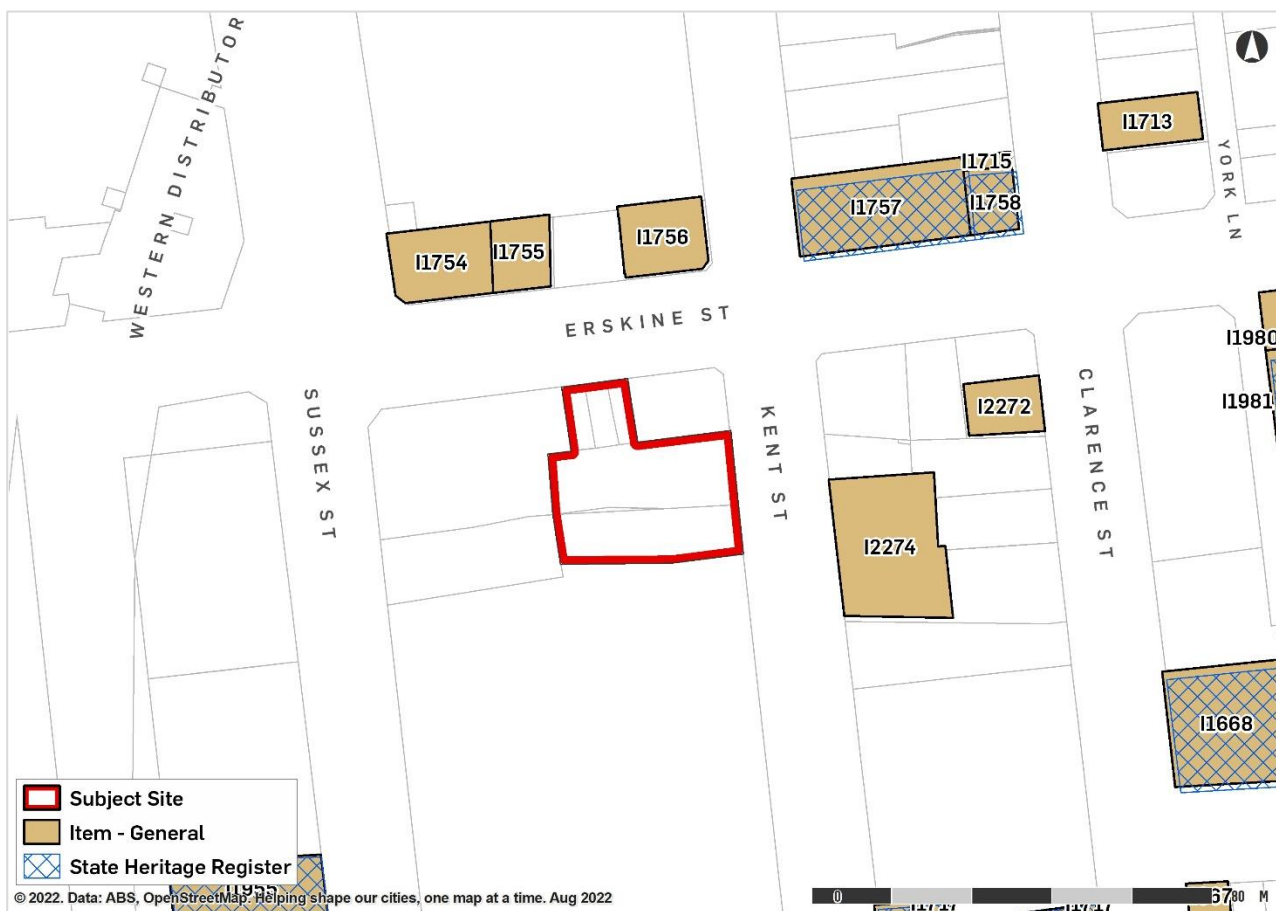
Images of the surrounding development is shown in **Figure 5** below.

Figure 5 Surrounding Development



Source: DBI, edited by Architectus (2019)

Figure 6 Extract of Heritage Map



Source: Sydney LEP 2012

2.3. CUMULATIVE IMPACTS

The proposed development is for a building envelope only. As a result, no construction works are proposed, and further approval(s) will be sought for the detailed design and construction of the hotel development.

The proposed building envelope is expected to be consistent with the planning controls that apply to the site. Adverse or unexpected cumulative impacts are therefore not anticipated to be generated by the proposed building envelope.

3. PROJECT DESCRIPTION

This section outlines the key components of the proposed development and the main land use activities. It also includes a summary of feasible alternatives which were considered, including the consequences of not carrying out the development.

3.1. PROPOSED DEVELOPMENT

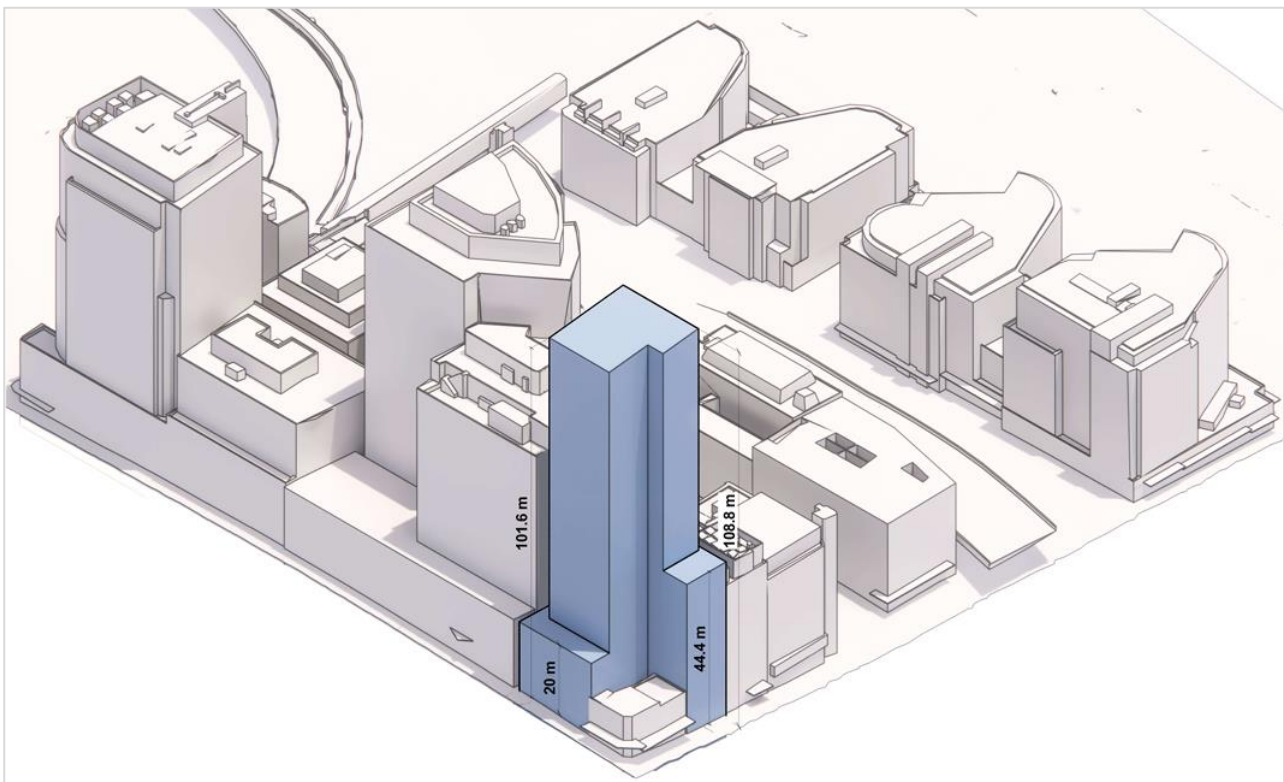
The Concept SSD will seek consent for:

- A maximum building envelope up to 108.8m in height (RL 120.67) and built form parameters including street frontage heights and setbacks.
- Use of the site as a hotel (with ancillary retail at the ground floor).
- A maximum GFA of approximately 13,000 sqm.
- Five levels of basement parking.
- Pedestrian and vehicular access.

The proposed building envelope comprises a concept proposal only. In accordance with Section 4.22 of the EP&A Act, further approval(s) will be sought for the detailed design and construction of the proposed hotel development.

The indicative proposed building envelope is provided in **Figure 7** below. Refer to the Concept Architectural Plans included at **Appendix B** for further details.

Figure 7 Proposed Building Envelope



Source: Make Architects (2022)

3.2. FEASIBLE ALTERNATIVES

Section 192 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) requires an analysis of any feasible alternatives considered as part of the Concept SSD.

Table 3 outlines the feasible alternatives that have been considered, which include ‘do nothing’, ‘alternative design’ and ‘proposed design’.

Table 3 Analysis of Feasible Alternatives

Option	Comments
Option 1 – Do Nothing	<p>The ‘do nothing’ alternative would involve retention of the existing developments on site. This would result in the poor placemaking outcomes, inefficient use of land, and decreased job opportunities within walking distance of high frequency public transport services. It would also result in a missed opportunity to redevelop the site within a similar timeframe to the adjoining corner site at 45-49 Erskine Street (noting that a DA for this site has been submitted and is currently under assessment).</p> <p>The ‘do nothing’ alternative would also be inconsistent with the objectives of the Central Sydney Planning Strategy in relation to reaffirming the commitment to design excellence, ensuring the development responds to context, prioritising employment growth, and moving towards a more sustainable city (amongst others).</p> <p>The ‘do nothing’ option would not result in the best design outcome, particularly in relation to the integration of the site with the surrounding development.</p>
Option 2 – Alternative Design	<p>One ‘alternative design’ that has been explored is a design and built form that is consistent with the development approved in August 2020 as part of the Concept SSD (SSD-9694). This design is also consistent with the previous planning controls under the Sydney LEP 2012 that applied at the time.</p> <p>It is noted that under the current controls set out within the Sydney LEP 2012, the site is eligible for a maximum of FSR of up to 12.65:1 (including up to an additional 10% FSR, subject to demonstrating design excellence) and a maximum building height of up to 110m (subject to demonstrating compliance with the Martin Place View Protection Planes). The ‘alternative design’ approved under the Concept SSD would result in a proposal that could accommodate a maximum FSR of 11:1 and a maximum building height of up to 80m (plus an additional 10% height, subject to demonstrating design excellence).</p> <p>However, an alternative design that adheres to the built form parameters established by the approved Concept SSD would deliver less floor space than would be able to be achieved under the proposed building envelope. This alternative design would also prevent the site from achieving its full development potential and would therefore restrict its ability to promote the efficient use of land and support economic growth and employment growth in Central Sydney. As a result, this alternative design was ultimately ruled out.</p>

Option	Comments
Option 3 – Proposed Design	<p>The proposed design presents the most feasible option for the site for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposed design is consistent with the strategic growth objectives of the Central Sydney Planning Strategy and will optimise the development potential of the site whilst also enhancing the employment generating capacity of the site. ▪ The proposal will deliver a high quality built form and urban design outcome which is sympathetic to its neighbours and nearby heritage-listed items and which is capable of achieving design excellence. ▪ The proposed design will provide a building envelope which complies with the maximum building height and the Martin Place View Protection Planes.

4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the proposed development, including:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *Biodiversity Conservation Act 2016*
- *Environmental Planning Assessment Regulation 2021* (EP&A Regulations)
- *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP)
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP)
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP)
- *Sydney Local Environmental Plan 2012* (Sydney LEP 2012)

The following table categorises and summarises the relevant requirements in accordance with the Department's guidelines. Each of these matters will be addressed in further detail within the future EIS.

4.1. STATUTORY REQUIREMENTS

The following table categorises and summarises the relevant requirements in accordance with the Department's *State Significant Development Guidelines*.

Table 4 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
<i>Power to grant approval</i>	<p>The EP&A Act establishes the framework for the assessment and approval of development and activities in NSW. The EP&A Act also facilitates the making of environmental planning instruments including State environmental planning policies (SEPPs) and local environmental plans (LEPs) which guide the way in which development should occur across the State.</p> <p>In accordance with Section 4.22 of the EP&A Act, a Concept DA may be made setting out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be subject of a subsequent development application(s). The proposed development is for a Concept SSDA in accordance with Section 4.22 of the EP&A Act.</p> <p>The Minister for Planning and Homes is the consent authority for SSDAs made by or on behalf of public authorities. The Minister may delegate this function to staff within the DPE.</p> <p>The consent authority for this application will be the Minister for Planning and Homes (unless referred to the Independent Planning Commission). The Minister may also delegate this role to other staff within the Department.</p>
Permissibility	<p>The site is located on land zoned B8 Metropolitan Centre. The proposed hotel accommodation and retail uses are permissible with consent in the B8 zone. The proposed land uses are also consistent with the zone objectives which aim to</p>

Statutory Relevance	Action
	promote employment-generating land uses which support Sydney's global status and Australia's participation in the global economy.
Other Approvals	
<i>NSW Heritage Act 1977</i>	The <i>Heritage Act 1977</i> protects heritage items, sites and relics in NSW older than 50 years regardless of cultural heritage significance. Section 4.41 of the EP&A Act establishes that SSD is exempt from the application of Division 8 of Part 6 of the Heritage Act.
<i>NSW National Parks and Wildlife Act 1974</i>	<p>The <i>National Parks and Wildlife Act 1974</i> aims to prevent the unnecessary or unwarranted destruction of relics and the active protection and conservation of relics of high cultural significance. The provisions of the Act apply to both indigenous and non-indigenous relics.</p> <p>Section 4.41 of the EP&A Act provides that SSD is exempt from the need for a section 90 permit for the removal of items of Aboriginal heritage. A Historical Archaeological Assessment will be submitted as part of the EIS to identify and minimise potential heritage and archaeological impacts in relation to the proposed development.</p>
<i>NSW Water Management Act 2000</i>	<p>In accordance with the <i>Water Management Act 2000</i>, approval would be required from Water NSW if the proposed development resulted in aquifer interference, and a licence would be required if water was to be extracted from a creek or if any waterways were to be realigned during construction.</p> <p>In accordance with Section 4.14 of the EP&A Act, approvals under sections 89, 90 or 91 of the <i>Water Management Act 2000</i> are not required for SSD.</p>

4.2. PRE-CONDITIONS

Table 5 outlines the pre-conditions to exercising the power to grant approval which are relevant to the proposed development.

Table 5 Pre-Conditions

Statutory Reference	Pre-Condition	Relevance
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) – Section 4.6	The Resilience and Hazards SEPP requires the consent authority to consider whether the subject land of any rezoning or DA is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, the consent authority must be satisfied	The EIS for the previous Concept SSD (SSD-9694) was accompanied by a Detailed Site Investigation which identified some potential sources of contamination at the site, although concluded that the risk to human health associated with soil contamination is negligible within the context of the proposed use of the site for a hotel. The site was therefore considered suitable for the proposed development.

Statutory Reference	Pre-Condition	Relevance
	that the land can be suitably remediated for that purpose.	The EIS will outline how the site is able to be made suitable for the proposed land hotel development.

4.3. MANDATORY CONSIDERATIONS

Table 6 outlines the relevant pre-conditions to exercising the power to grant approval and the section where these matters are addressed within the EIS.

Table 6 Mandatory Considerations

Legislation	Relevance
<i>Biodiversity Conservation Act 2016</i>	<p>Section 7.9(2) of the <i>Biodiversity Conservation Act 2016</i> requires SSDAs to be accompanied by a Biodiversity Development Assessment Report (BDAR) report, unless it is determined the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>The proposed Concept SSD relates to a site which accommodates buildings that have existed on site since at least the early 1900s. The site is also located in a highly urbanised environment within the Sydney CBD in a precinct which has been significantly altered from any natural state through the ongoing historical uses on site. The proposed Concept SSD also relates to a concept proposal only, and therefore no physical construction works would be carried out.</p> <p>The BDAR Waiver Request Letter included at Appendix D requests a waiver from the requirement to provide a BDAR as the proposed hotel development is not likely to have any significant impacts on biodiversity values.</p>
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	<p><i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP) declares the proposed hotel development to be State significant development. Section 13(2) of Schedule 1 of the Planning Systems SEPP establishes that the following development is a category of SSD:</p> <p>(13) Cultural, recreation and tourist facilities</p> <p><i>Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that –</i></p> <p><i>(a) has a capital investment value of more than \$100 million.</i></p> <p>The proposed development meets the SSD criteria in Schedule 1 of the Planning Systems SEPP as it is development associated with tourist and visitor accommodation with a CIV of more than \$100 million and is for the purpose of a hotel development.</p>
<i>State Environmental Planning Policy</i>	The Resilience and Hazards SEPP requires the consent authority to consider whether the subject land of any rezoning or DA is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, the

Legislation	Relevance						
<i>(Resilience and Hazards) 2021</i>	<p>consent authority must be satisfied that the land can be suitably remediated for that purpose.</p> <p>The EIS for the previous Concept SSD (SSD-9694) was accompanied by a Detailed Site Investigation which identified some potential sources of contamination at the site, although concluded that the risk to human health associated with soil contamination is negligible within the context of the proposed use of the site for a hotel. The site was therefore considered suitable for the proposed development.</p> <p>The EIS will outline how the site is able to be made suitable for the proposed land hotel development.</p>						
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) requires certain traffic generating developments to be referred to TfNSW, which may include the proposed development based on the number of car parking spaces proposed. The Concept SSDA may also be referred to the relevant utility service providers to confirm that the siting and layout of the proposed development will not impact on any relevant easements and/or infrastructure corridors.</p> <p>A further detailed assessment of the proposal against the Transport and Infrastructure SEPP will be undertaken within EIS.</p>						
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP) provides planning principles for development within the Sydney Harbour catchment. Planning principles for land within the Sydney Harbour Catchment relate water quality, flooding, maintaining visibility to the water and cumulative environmental impacts.</p> <p>The Concept SSDA will be broadly consistent with the relevant Planning Principles of the Biodiversity and Conservation SEPP. No significant adverse impacts on the Sydney Harbour Catchment are anticipated given the proposal relates to a concept proposal.</p> <p>Further details will be addressed within the subsequent Detailed SSDA regarding stormwater run-off, sediment and erosion control measures, and water quality.</p>						
<i>Sydney Local Environmental Plan 2012</i>	<p>The preliminary concept plans have been assessed against the principal development standards within the Sydney LEP 2012, as follows.</p> <table><tr><th>Development Standard</th><th>Control</th><th>Compliance</th></tr><tr><td>Land Use</td><td>B8 Metropolitan Centre</td><td><i>Tourist and visitor accommodation</i> (including hotel accommodation) and <i>commercial premises</i> (including retail premises) are permissible with consent.</td></tr></table>	Development Standard	Control	Compliance	Land Use	B8 Metropolitan Centre	<i>Tourist and visitor accommodation</i> (including hotel accommodation) and <i>commercial premises</i> (including retail premises) are permissible with consent.
Development Standard	Control	Compliance					
Land Use	B8 Metropolitan Centre	<i>Tourist and visitor accommodation</i> (including hotel accommodation) and <i>commercial premises</i> (including retail premises) are permissible with consent.					

Legislation	Relevance		
	Cl. 4.3 – Height of Buildings	110m	The proposed development complies with the maximum 110m building height.
	Cl. 4.4 – Floor Space Ratio (FSR)	12.65:1 <i>Includes up to additional 10% floor space, subject to demonstrating design excellence</i>	<p>The proposed development comprises a maximum FSR which complies with the maximum permissible FSR for the site. This will be calculated based on a base mapped FSR of 8:1, up to additional 3.5:1 for hotel uses and up to an additional 2.5:1 for retail premises (accommodation floor space), plus up to an additional 10% floor space (subject to demonstrating design excellence).</p> <p>The calculation of floor space will be set out in further detail within the EIS.</p>
	Cl. 5.10 – Heritage Conservation	Several items of State and local heritage significance are located near the site. These include the State heritage-listed building at 82 Erskine Street identified as 'Former "Watch House" including interiors' (11758), a local heritage-listed building at 42-50 Erskine Street ('Commercial Terrace group including interiors', 11754), and a local heritage-listed building at 52-54 Erskine Street ('Former "CW Foley & Co" commercial terrace pair including interiors', 11755).	The proposed development will seek to ensure that a measured and sensitive design response is provided to all heritage items nearby to ensure that their heritage character is maintained. A Heritage Impact Statement will be submitted with the EIS.
	Cl. 6.4 – Accommodation floor space	Refer to Cl. 4.4 (FSR) above	Refer to Cl. 4.4 (FSR) above

Legislation	Relevance		
	Cl. 6.19 – View Planes	‘View of western sky looking from Martin Place’, and ‘View and silhouette of Sydney GPO Clock Tower looking from Martin Place’	The proposed development will comply with the view protection planes. An assessment of the proposed development against the view protection plane controls will be addressed within the Architectural Design Report submitted with the EIS.
	Cl. 6.21C – Design Excellence	Competitive design process to be held for development with a height over 55m in Central Sydney, or with a CIV of over \$100 million.	A competitive design process will be carried out to demonstrate that design excellence has been achieved. This competitive design process is expected to be held following approval of the Concept SSD and prior to submission of the Detailed SSDA.
<i>Sydney Development Control Plan 2012</i>	<p>Clause 2.10 of the Planning Systems SEPP states that development control plans (DCPs) do not apply to State significant development (SSD).</p> <p>However, consideration will be given to the relevant provisions within the EIS. Specifically, these include controls relating to tower setbacks, building separation, street wall heights, building articulation, the interface with heritage items, design excellence, and measures to mitigate wind impacts and optimise sky view.</p>		

5. ENGAGEMENT

The following sections of the report describe the engagement activities that have already been carried out for the project, and the engagement to be carried out during the preparation of the EIS.

5.1. ENGAGEMENT CARRIED OUT

5.1.1. Community Consultation

The Proponent has been engaging with the community and key stakeholders since 2018 in relation to the proposed redevelopment of the site. This feedback has helped shape the proposed development and will continue to serve as a basis for undertaking additional engagement activities in relation to the proposed increase in height above what was approved as part of the previous Concept SSD (SSD-9694).

Between 2018 and 2019, the Proponent engaged with the following key stakeholders:

- City of Sydney Council
- NSW Government's Architects Office (GANSW) and the State Design Review Panel (SDRP)
- Roads and Maritime Services (RMS)
- Transport for NSW (TfNSW), including Sydney Trains and Sydney Metro
- Sydney Coordination Office within TfNSW
- The Office of Environment and Heritage
- Environmental Protection Authority (EPA)
- Sydney Water
- Liquor and Gaming NSW
- NSW Police
- Ausgrid
- Local Aboriginal groups
- Local community groups
- Adjoining landowners

The Proponent met with the City of Sydney Council on two occasions to discuss the design of the proposed development. These meetings were held in November 2018 (prior to lodgement of the Concept SSDA) and in January 2019 (following issue of SEARs).

The City of Sydney Council has undertaken extensive community consultation in amending the planning controls for the CBD. In particular, the CSPA emphasises the importance of prioritising employment growth and increasing capacity in Central Sydney. The proposed development facilitates the opportunity to deliver additional employment generating floor space in the CBD which supports the strategic objectives to maintain and enhance Sydney's global city status.

The Proponent also met with the NSW Government Architect's office (GANSW) on 22 January 2019 to discuss the proposed development and proposed competitive design process set out within the Design Excellence Strategy submitted as part of the previous Concept SSD. The Proponent will continue to work with GANSW and the Department to ensure that the detailed design of the building achieves design excellence.

The approved Concept SSDA was publicly exhibited for 28 days between 6 June 2019 and 3 July 2019. As part of the public exhibition, the Department received a total of 10 submissions from various stakeholders, including 7 submissions from government agencies, one submission from the City of Sydney Council, and 2 submissions from members of the public. The key issues raised within the public submissions related to potential amenity impacts, including:

- Building envelope setbacks

- Existing brick façades fronting Kent Street
- Amendments to the Design Excellence Strategy
- Geotechnical impacts
- Pedestrian amenity and the location of the proposed vehicular access arrangement
- Car parking and bicycle parking for hotel guests
- Loading and servicing arrangements

The Proponent will continue to work with the community and key stakeholders as the design of the proposed development progresses.

5.2. ENGAGEMENT TO BE CARRIED OUT

5.2.1. Additional Stakeholder Engagement

The Proponent will continue to engage with stakeholders and the community in the preparation of the EIS to ensure they are informed and have the opportunity to provide feedback. The Proponent will also ensure that the community is aware and engaged during the subsequent assessment and approval stages of the project.

The key stakeholders that will be consulted with include (but are not necessarily limited to):

- NSW Department of Planning and Environment
- Government Architect of NSW (GANSW)
- City of Sydney Council
- Public utilities and infrastructure providers
- Surrounding businesses and residents
- Special interest groups including Local Aboriginal Land Councils, Aboriginal stakeholders, and relevant community groups
- The broader community

All feedback received during the preparation of the EIS will be collated and included within a Stakeholder and Community Engagement Summary Report.

In accordance with the EP&A Regulations, the SSDA will be placed on formal public exhibition once the Department confirms the EIS as being 'adequate' for this purpose. Following this exhibition period, the applicant will respond to matters raised by notified parties.

6. PROPOSED ASSESSMENT OF IMPACTS

This section identifies the key assessment matters which will be further investigated and assessed as part of the EIS, including the proposed approach to assessing each of these matters. Based on a preliminary assessment of the environmental impacts of the proposed development, the following environmental assessment matters have been identified for consideration as part of the Concept SSD:

- Compliance with strategic and statutory planning framework
- Urban design and built form
- Wind impacts
- View protection and visual impacts
- Design excellence
- Traffic, access and parking
- Built heritage, Aboriginal heritage and archaeology
- Biodiversity
- Utilities and infrastructure
- ESD
- Hazards and risks
- Safety and security
- Development contributions
- Impact on adjoining properties and public domain

These matters are set out in more detail below. Additional environmental assessment matters such as waste management, stormwater and flooding, noise and vibration, social impacts, accessibility, and compliance with the Building Code of Australia (BCA) will also be addressed as part of the EIS.

This section also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

6.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following section of the report provides a comprehensive description of the relevant matters and impacts which will be addressed in detail within the EIS. This section outlines the matters and impacts of particular concern to the community and other stakeholders, and also includes each of the Key Issues and Other Issues as identified in the Scoping Summary Table (refer to **Appendix A**).

6.1.1. Strategic and Statutory

The EIS will provide a comprehensive assessment of the proposed building envelope for a hotel development against the relevant strategic planning framework and statutory planning instruments as outlined within **Section 4** of this report.

6.1.2. Urban Design and Built Form

The proposed building envelope for a hotel redevelopment will comprise a maximum height of up to 110m. This will facilitate a significant change to the existing built form that currently exists on site. However, the proposed building envelope is only seeking up to an additional 30m in height compared to the building envelope approved as part of the previous Concept SSD (which proposed a maximum building height of up to 80m). Therefore, in the context of the previously approved Concept SSD, the additional increase in height is considered minor and is appropriate for the site's location within the Sydney CBD.

The proposed building envelope is consistent with the strategic and statutory planning framework and the growth projected for the Sydney CBD (outlined in **Section 4**). The EIS will assess the massing, scale and

density of the proposed building envelope and its relationship to the public domain, nearby heritage items, as well as overall consistency with the existing and desired future character of the area.

An indicative concept reference design will be submitted as part of the Concept SSDA which illustrates how the proposed hotel could be developed within the proposed building envelope. An Architectural Design Report will be submitted with the EIS and will address the proposed massing, scale and setbacks of the proposed development within the context of the surrounding area.

6.1.3. Wind Impacts

The EIS will assess the potential wind impacts created by the proposed building envelope for a hotel development. A wind study will be completed to ensure that the proposal does not generate unreasonable wind impacts to the pedestrian environment on the surrounding streets.

This wind testing will demonstrate the wind conditions will be suitable for their intended use, and outline how any potential wind impacts to the public domain are to be minimised, where required.

The EIS will include equivalence testing against a 'base case' building envelope. The EIS will also identify wind mitigation measures to inform the future detailed design of the OSD and public domain works.

6.1.4. View Protection and Visual Impacts

The EIS will include an assessment of the potential visual impact of the proposal from key locations within the public domain. The assessment will identify the existing site conditions and assess the extent and significance of the potential visual changes and impacts on the identified visual catchment.

The Sydney CBD is zoned B8 Metropolitan Centre which accommodates high density developments. As a result, the area is expected to have significant capacity to absorb change. The proposed building envelope is expected to have a negligible, low or low-medium degree of visual impact on public domain views.

The EIS will also include an assessment of the potential impact of the proposed building envelope on the following view protection planes:

- 'View of western sky looking from Martin Place', and
- 'View and silhouette of Sydney GPO Clock Tower looking from Martin Place'.

The proposed building envelope is anticipated to fit within the high density context of surrounding development within the CBD and would not project higher than the view planes. The proposed building envelope is also not anticipated to obstruct elements of high significance and iconic importance such as the Sydney General Post Office Clock Tower in Martin Place.

6.1.5. Design Excellence

The EIS will be accompanied by a Design Excellence Strategy outlining how design excellence will be achieved in accordance with Clause 6.21C of the Sydney LEP 2012. This Design Excellence Strategy will establish a framework for undertaking a competitive design process.

Following approval of the impending Concept SSDA (and prior to submission of any future Detailed SSDA), a competitive design process will be undertaken in accordance with the requirements set out within the Sydney LEP 2012 and the Design Excellence Strategy, and in consultation with GANSW, the SDRP and the City of Sydney Council.

Any future Detailed SSDA would outline the design excellence process undertaken and demonstrate how the proposed development has achieved design excellence.

6.1.6. Traffic, Access Parking

A Traffic Impact Assessment will be prepared as part of the EIS which will consider the potential traffic impacts of the proposed building envelope for the hotel on nearby intersections and the surrounding road network (during construction and operation).

The Traffic Impact Assessment will consider:

- Details of existing and proposed vehicular and bicycle access arrangements

- The proposed provision of car parking and bicycle parking for workers and visitors
- Loading and servicing arrangements
- Pedestrian and cycle connections / circulation
- Opportunities to improve public and active transport and promote sustainable transport initiatives

The proposed building envelope for the hotel use is not anticipated to have any unacceptable traffic impacts on nearby intersections or the surrounding road network. The adjacent intersections are expected to continue to operate at the same level of service as a result of the proposed development.

6.1.7. Built Heritage, Aboriginal Heritage, and Archaeological Impacts

As noted in **Section 4**, the site is not a heritage-listed item and is not located within a heritage conservation area. However, there are several items of State and local heritage significance that are located near the site, particularly to the north and east. Each of these heritage items will be considered during the development of the Concept SSDA in order to ensure that their heritage character and values are maintained. A Heritage Impact Statement will be prepared and submitted as part of the EIS.

The EIS will be accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) which will identify the potential for any Aboriginal archaeological deposits based on the environmental and archaeological context of the site, and recommend mitigation strategies to manage and mitigation impacts of the proposed building envelope, where required.

The EIS will also include a Historical Archaeological Assessment which considers potential archaeological impacts as a result of the proposed building envelope, and sets out recommendations for managing and mitigation any impacts, where required.

6.1.8. Biodiversity

The BDAR Waiver Request Letter requests a waiver from the requirement to provide a BDAR as the proposed hotel development is not likely to have any significant impacts on biodiversity values. Refer to **Appendix D** for further details.

6.1.9. Utilities and Infrastructure

The EIS will demonstrate that the proposed building envelope for a hotel development is capable of being appropriately serviced by water, electricity, gas, sewerage, telecommunications, and any other related infrastructure.

The EIS will broadly address the existing capacity and future requirements of the development for the provision of utilities, infrastructure and services. The provision of utilities, infrastructure and services will need to be considered in further detail as part of any future Detailed SSDA.

6.1.10. ESD

An Ecologically Sustainable Development (ESD) Report will be provided as part of the EIS and include details on how ESD principles will be incorporated within the design and ongoing operational phases of the proposed development. The potential ESD initiatives that are being considered include:

- Actions to maximise indoor environmental quality, and to maximise energy and water efficiency
- Actions to promote sustainable transport
- Actions for waste avoidance and recycling
- Target a minimum 5-Star Green Star rating for the hotel

The EIS will outline the proposed ESD initiatives that will be incorporated as part of the Concept SSDA.

6.1.11. Hazards and Risks

Contamination

As outlined in **Section 4**, the Resilience and Hazards SEPP requires the consent authority to consider whether the land subject to any rezoning or development application is contaminated.

The EIS for the previous Concept SSD (SSD-9694) was accompanied by a Detailed Site Investigation which identified some potential sources of contamination at the site, although concluded that the risk to human health associated with soil contamination is negligible within the context of the proposed use of the site for a hotel. The site was therefore considered suitable for the proposed development.

The EIS will outline how the site is able to be made suitable for the proposed hotel development.

6.1.12. Safety and Security

The EIS will broadly outline how specific Crime Prevention Through Environmental Design (CPTED) principles (surveillance, access control, territorial re-enforcement and space/activity management) have been considered in the building massing.

The EIS will also outline how the relevant CPTED principles have been considered for the Concept SSDA to deter crime, manage space, and create a safe environment for users.

6.1.13. Development Contributions

The application of the Central Sydney Development Contributions Plan 2020 will be considered as part of the preparation of the EIS. This will be the subject of further consultation with the City of Sydney Council.

6.1.14. Impact on Adjoining Properties and Public Domain

Given the site's location within the Sydney CBD, the EIS will need to consider the potential for impacts of the proposed building envelope on adjoining properties. These impacts relate to solar access, overshadowing, built heritage, visual privacy, private view loss, and access for adjacent properties during the construction phase.

The EIS will also provide detailed overshadowing analysis which assesses the potential impact of the proposed building envelope on the following developments:

- The existing development at 25-33 Erskine Street (comprising commercial uses).
- The existing development at Barrack Place (comprising commercial uses).
- The existing development/s on the western side of Shelly Street (comprising both residential apartments and serviced apartments).
- Other existing or future nearby developments, as required.

The EIS will also consider how the proposed building envelope achieves an equivalent Sky View Factor compared to a 'base case' scenario. This will demonstrate that views of the sky from the public domain surrounding the site have been considered in the design of the proposed building envelope.

6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT

Table 7 identifies the matters that would not require further assessment in the EIS. Each of these matters has been considered within the scoping phase and is considered unlikely to result in significant impacts that warrant further assessment.

Table 7 No Additional Assessment Requirements

Matter	Justification
Built Environment – Airspace Operations	The site is not located in close proximity to any airports, and the proposed building height is not anticipated to have an impact on any aircraft operations.
Construction	<p>The proposed development is a Concept SSD for a building envelope only. No construction works are proposed. Further approvals will be sought for the detailed design and construction of the development as part of a future Detailed SSDA.</p> <p>Any potential impacts associated with the construction of the proposed development will be identified and assessed within the future Detailed SSDA.</p>

7. EXPECTED DELIVERABLES

To assist in confirming the SEARs, the following are the expected deliverables to support the EIS for the Concept SSDA:

- Site Survey
- Architectural Design Report
- Shadow Diagrams and Overshadowing Analysis
- Building Envelope Plans
- Indicative Architectural Plans
- Design Excellence Strategy
- Quantity Surveyor's Report
- Visual and View Impact Assessment
- Heritage Impact Assessment
- Historical Archaeological Assessment
- Aboriginal Cultural Heritage Assessment Report
- Accessibility Assessment
- Detailed Environmental Site Investigation Report
- Geotechnical Assessment
- ESD Report
- Utilities and Services Assessment
- Flooding Assessment
- Stormwater Management Assessment
- Traffic Impact Assessment
- Pedestrian Wind Impact Assessment
- Acoustic Report
- Preliminary Waste Management Plan
- BDAR Waiver
- Stakeholder and Community Engagement Summary Report
- CPTED Assessment

DISCLAIMER

This report is dated 19 December 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ROMANOUS DEVELOPMENTS PTY LTD (**Instructing Party**) for the purpose of Scoping Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

SCOPING SUMMARY TABLE

APPENDIX B

CONCEPT ARCHITECTURAL PLANS

APPENDIX C

QS REPORT

APPENDIX D

BDAR WAIVER REQUEST

