

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Application Number	SSD-30855273
Project Name	Shelbourne Hotel Redevelopment - Concept Proposal
Location	200-202 Sussex Street, Sydney within City of Sydney LGA (Lot 1 of DP 739093)
Applicant	Towncorp Pty Ltd
Date of Issue	DATEWILLBEINSERTEDHERE
General Requirements	<p>A development application (DA) for State significant development (SSD) must include all relevant information and documents specified in Part 1 of Schedule 1 of the Regulation, including an environmental impact statement (EIS) (section 4.12(8) of the Act and clause 2(1)(e) of Schedule 1 of the Regulation).</p> <p>The DA must be lodged on the NSW planning portal (clause 50(1)(d) of the Regulation).</p> <p>The form and content of the EIS must be prepared in accordance with clauses 6 and 7 of Schedule 2 of the Regulation. Any document adopted or referenced in the EIS will form part of the EIS (clause 9(1) of Schedule 2 of the Regulation).</p> <p>The EIS must include a report certified to be accurate at the time of publication by a qualified quantity surveyor providing:</p> <ul style="list-style-type: none">• a detailed calculation of the capital investment value (CIV) of the proposal (as defined in clause 3 of the Regulation), including details of all assumptions and components for the CIV calculation, including consultant costs• an estimate of jobs that will be created during the construction and operational phases of the proposal.
Key issues	<p>1. Statutory and strategic context</p> <p>The EIS must:</p> <ul style="list-style-type: none">• address all relevant legislation (including sections 1.3 and 4.15 of the Act and clauses 6 and 7 of Schedule 2 of the Regulation), Environmental Planning Instruments (EPIs), draft EPIs, plans, policies and guidelines and Heritage Act s170 Heritage and Conservation Register listing• detail the nature and extent of any prohibitions, including partial prohibitions, applicable to the proposal, and provide detailed justification for any prohibitions• identify compliance with applicable development standards and provide a detailed justification for any non-compliances

- address the requirements of any approvals applying to the site, including any concept approval or recommendations from any Gateway determination
- comply with these SEARs (cl 3(8) of Schedule 2 of the Regulation).

2. Design excellence

The EIS must include a Design Excellence Strategy (DES) demonstrating:

- how the proposed development will exhibit design excellence in accordance with the requirements of any relevant EPI provision and objectives for good design (of the built environment) in Better Placed
- the masterplan (layout and building envelopes), design guidelines and future design excellence process have been reviewed by the State Design Review Panel (SDRP) and recommendations addressed prior to lodgement
- how a competitive design process (where required or proposed) will be carried out in accordance with the relevant guidelines (such as the GA NSW Design Excellence Competition Guidelines) and include a draft brief and terms of reference.

3. Built form and urban design

The EIS must:

- demonstrate how the proposed building or building envelope(s) (layout, height, bulk, scale, separation, setbacks, interface and articulation) address and responds to the context, site characteristics, streetscape (particularly interface with Market St) and existing and future character of the locality, including nearby Cockle Bay Park development.
- demonstrate how the detailed building design will deliver a high-quality development, including consideration of façade design, articulation, activation, roof design, materials, finishes, colours, integration of services and landscape design
- assess how the proposed development complies with the relevant accessibility requirements
- a conservation and adaptative reuse approach that retains and enhances the Shelbourne Hotel facades using best practice heritage conservation and infill design principles
- demonstrate how any proposed additions to the existing Shelbourne Hotel is sympathetic to and will not detrimentally impact the existing form, features and significance of the Shelbourne Hotel.

4. Visual impacts

The EIS must include a Visual Impact Assessment, with photomontages, justifying potential visual impacts associated with the proposal when compared to the existing situation and a compliant development (if relevant), when viewed to and from key vantage points.

5. Public space

The EIS must demonstrate how the proposed development:

- maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site)
- has addressed relevant design guidelines including the Sydney Streets Code 2021, Public Domain Manual 2021 and advice from Council.
- ensures the public space is welcoming, attractive and accessible for all
- maximises permeability and connectivity
- ensures public spaces have excellent amenity, suitable for their intended use, such as through adequate facilities, solar access, shade and wind protection
- maximises street activation
- address how Crime Prevention through Environmental Design principles are to be integrated into the development
- minimises potential vehicle, bicycle and pedestrian conflicts.

6. Landscaping and trees

The EIS must include a Landscape Plan, that:

- details the proposed levels and landscaping of the site at grade and on structure for commercial, retail podium levels and high quality communal open space and private residential amenity
- details mitigation of wind impacts at the base of the tower within communal open space
- details planting design including proposed trees, native vegetation communities and plant species
- demonstrates how the development proposes to protect and increase the urban tree canopy
- includes justification for any tree / vegetation removal
- demonstrates how the proposed development maximises opportunities for green infrastructure, consistent with Greener Places, green walls and integrated biosolar green roofs.

7. Environmental amenity

The EIS must demonstrate how a high level of environmental amenity would be achieved by:

- assessing impacts associated with view loss, lighting and reflectivity
- assessing wind impacts at pedestrian level, podium communal open space and wintergardens and ensure rooftops meet wind criteria for walking, standing and dining
- assessing overshadowing impacts of the proposed development within the site, on surrounding buildings and public spaces, including existing and future public spaces ([including new Cockle Bay Park over existing flyovers](#)) and publicly accessible spaces on private land (during winter and summer solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development

- providing an assessment of the proposed development against State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the associated guidelines.

8. Development contributions and public benefit

The EIS must address the requirements of any relevant contributions plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind, and include details of any proposals for further material public benefit. Where the proposed development includes alternative public benefit or a departure from an existing contributions framework, Council, the Department and relevant State agency must be consulted and comments addressed prior to lodgement.

9. Transport, traffic, parking and access (operation and construction)

The EIS must include:

- a transport and accessibility impact assessment, prepared in consultation with Transport for NSW and Council with comments addressed prior to lodgement, which provides:
 - the predicted transport mode share split for the proposed development
 - an analysis of the existing traffic network, including the road hierarchy, current daily and peak hour vehicle movements and existing performance levels of nearby intersections
 - a forecast of additional daily and peak hour vehicle movements as a result of the proposal (using SIDRA modelling or similar at 5 year intervals) and identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cycle conflict)
 - proposals to mitigate any traffic impacts, including intersection upgrades to achieve acceptable performance
 - details of car parking provision, having regard to relevant parking rates, specifications and standards, provision of charging facilities for electric vehicles and identify opportunities to decrease car parking in areas with good public transport accessibility
 - details of proposed vehicular access, loading, deliveries and servicing arrangements, and any proposed infrastructure improvements or measures to reduce potential conflicts with pedestrians and cyclists
 - loading areas and service vehicle parking spaces to be provided and designed in accordance with the Sydney DCP 2013 requirements
 - proposals to improve walking and cycling, such as connections into existing walking and cycling networks, high quality end-of-trip facilities and adequate bicycle parking for visitors, employees and residents within the site (provided in accordance with the relevant rates, specifications and standards, including the Sydney DCP 2012 [and/or Darling Harbour Cycle Strategy recommendations](#)).

- measures to promote sustainable travel choices for employees, residents or visitors, such as minimising car parking provision, encouraging car share and public transport, cycling and walking, implementing a green travel plan and providing end of trip facilities.
- a Construction Traffic Management Plan, prepared in consultation with Transport for NSW and Council with comments addressed prior to lodgement, providing details of predicted construction traffic movements, routes and access arrangements, and outline how construction traffic impacts on existing traffic, pedestrian and cycle networks would be appropriately managed and mitigated.

10. Ecologically Sustainable Development (ESD) and climate change

The EIS must:

- identify how ESD principles (as defined in clause 7(4) of Schedule 2 of the Regulation) will be incorporated into the design, construction and ongoing operation of the proposed development
- demonstrate how the western façade of the proposed development will be effectively protected from solar heat gain through passive design and particularly through provision of external shading solutions
- demonstrate how future buildings will meet or exceed the relevant industry recognised building sustainability and environmental performance standards, particularly with regard to energy and water efficiency, renewable energy opportunities and operational waste management.

11. Contamination

The EIS must include a preliminary investigation assessing and quantifying any soil or groundwater contamination, and demonstrating that the site is suitable (or may be made suitable after remediation) for the proposed use, in accordance with the State Environmental Planning Policy No 55 - Remediation of Land and the associated guidelines.

Where recommended in the preliminary investigation, or requested by the Planning Secretary, the EIS must also include a detailed site investigation, a remediation action plan and/or a preliminary long-term environmental management plan.

The EIS must also consider the management of Acid Sulfate Soils on the site.

12. Heritage

The EIS must include:

- a Heritage Impact Statement, prepared in accordance with relevant guidelines, assessing the impact of the proposal on the heritage significance of the site and surrounding area, including heritage items, conservation areas and archaeology, and includes measures to reduce or mitigate any unavoidable impacts

- a schedule of conservation works, specifying how the significant fabric and features of the existing Shelbourne Hotel are conserved, restored and reconstructed.
- a historical archaeological assessment report in accordance with the relevant guidelines, identifying, describing and assessing impacts on any historical archaeology on the site
- an Aboriginal Cultural Heritage Assessment Report in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site, including archaeology.
- Compliance with the policies of any relevant Conservation Management Plan as prepared by Place Management NSW as the landowner (including any drafts under preparation).
- Provide details of visual impact of the proposed development on the surrounding and nearby streetscapes.

The Heritage Impact Statement should be prepared by a suitably qualified and experienced heritage consultant.

Notes:

- The Shelbourne Hotel though largely rebuilt internally, has retained its ongoing functional hotel use. Its largely intact heritage façade is to be retained and conserved and street level awnings are to be reinstated to mitigate cumulative heritage impacts.
- The structural integrity of the ground floor façade is also to be retained. The basement and eastern wall also possibly contain fabric from the earlier 1820s hotel on the site.
- Contemporary adaptation of openings can be accommodated at the ground floor, however noting that on grade level access into the building through all openings will not be achievable due to the steeply sloping site.
- A good example of a successful facade adaptation for a heritage building is The Bushell's Building at 86-88 George Street at The Rocks. Significant fabric and openings have been retained at the ground floor and contemporary adaptation of openings and accessible access. A similar approach for the Shelbourne Hotel is supported.

13. Flooding

The EIS must include a site specific flood impact assessment, which:

- identifies and describes any on-site flood impacts and risks associated with the proposed development, having regard to relevant provisions of the NSW Floodplain Development Manual, City of Sydney Floodplain Management Policy and other local or State studies and guidance
- identifies mitigation and management measures to minimise the impacts of flooding on the proposed development.

14. Stormwater drainage and water quality

The EIS must include an Integrated Water Management Plan that:

- is prepared in consultation with Council and any other relevant drainage authority
- details the proposed drainage design for the site, including on-site detention facilities, water quality measures and the nominated discharge point(s)

- demonstrates compliance with Council or other drainage authority requirements and avoids adverse impacts on any downstream properties.

Where drainage infrastructure works are required that would be handed over to Council, provide full hydraulic details and detailed plans and specifications of proposed works that have been prepared in consultation with Council and comply with Council's technical specifications and standards.

15. Air Quality

The EIS must include an air quality assessment of onsite and offsite air quality impacts, including odours, in accordance with the relevant EPA guidelines. The assessment must detail construction and operational air quality impacts both onsite and on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented to reduce any air quality impacts.

16. Noise and vibration

The EIS must include a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented. The assessment must outline compliance with NSW EPA noise criteria.

17. Ground conditions

The EIS must assess any geotechnical and acid sulphate soil impacts and sediment and erosion controls, and demonstrate that the proposed development can be accommodated on the site.

18. Biodiversity

The EIS must assess any biodiversity impacts associated with the proposal in accordance with the *Biodiversity Conservation Act 2016* and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report, unless a waiver is granted.

19. Waste, resource recovery and servicing

The EIS must:

- identify, quantify and classify the likely waste streams and volumes that will be generated during demolition, construction and operation
- describe measures to be implemented to minimise, reuse, recycle and safely dispose of this waste
- identify appropriate servicing arrangements
- address the NSW Government's Waste and Sustainable Materials Strategy, City of Sydney's Leave Nothing to Waste Strategy and City of Sydney Guidelines for Waste Management in New Developments 2018.

20. Social impact

	<p>The EIS must include Social Impact Assessment in accordance with the Social Impact Assessment Guideline.</p> <p>21. Aviation</p> <p>Assess potential impacts of the proposal on the operation of any affected flight path of any nearby airport, airfield or Helicopter Landing Site.</p> <p>22. Staging</p> <p>If relevant, the EIS must provide details regarding the staging of the proposed development.</p> <p>23. Infrastructure and Utilities</p> <p>The EIS must consider and address:</p> <ul style="list-style-type: none"> • the existing capacity of the site to service the proposed development • required utility augmentation to accommodate the proposed development • any requirements of the Infrastructure SEPP in relation to development on or adjacent to utilities and infrastructure, including future infrastructure (CBD Rail Link) on-site and any possible impacts of the construction and operation of the proposal on this infrastructure and associated mitigation measures.
Plans and Documents	<p>The EIS must include all relevant surveys, plans, architectural drawings, diagrams, lists, certificates and any other documentation required under Schedule 1 of the Regulation. In particular, the EIS must include a detailed schedule and plans showing proposed gross floor area and floor space ratio, and a report demonstrating compliance with relevant requirements of the Building Code of Australia.</p> <p>If the Department identifies any other document required to be included in the EIS before the DA is lodged, those documents must also be included in the EIS.</p>
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, utility providers, community groups and affected landowners, as identified in any meeting with the Department before the DA is lodged.</p>
Expiry Date	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>