

APPENDIX B

STATUTORY COMPLIANCE TABLE

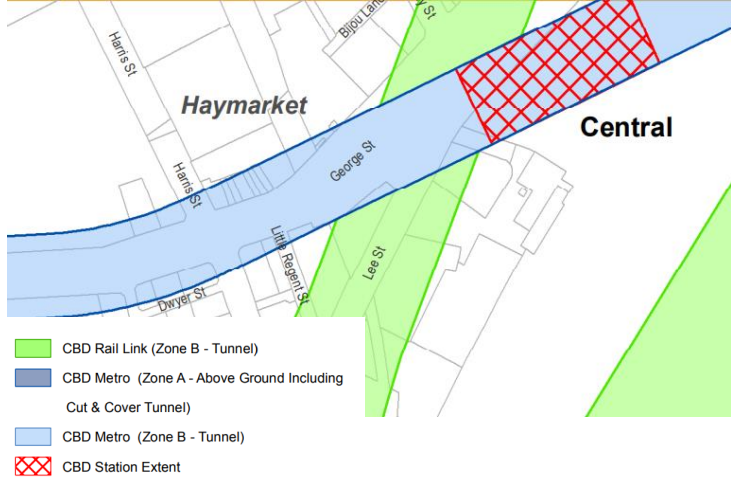
Reference	Statutory Consideration	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3 Objects of the Act	Promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development will more efficiently use the land (part of the State's resources) in a way that creates no material adverse impacts for neighbours or the wider community. The more efficient use of the land will create an opportunity to provide high-quality commercial floor space within the Western Gateway Sub-precinct, which will contribute to achieving TfNSW and Council's strategic priorities for the Central Sydney to increase employment generation in order to strengthen the diversity, capacity and resilience of the Metropolitan Centre.	Section 6
	facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The application facilitates ecologically sustainable development as it aims to deliver an exemplar sustainable development through a range of environmental and social initiatives, with relevant economic considerations relating to the efficient use of public investment in transport infrastructure.</p> <p>This will be achieved through the development of a sustainability framework to ensure the effective implementation of sustainability initiatives and management of natural resources, as well as certification using internationally recognised third party certification sustainability rating tools.</p>	Section 6 ESD Report at Appendix CC
	to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use of the land for mixed use purposes within a highly accessible CBD fringe	Section 3

Reference	Statutory Consideration	Relevance	Section in EIS
		location, in proximity to further retail facilities, employment opportunities and transport networks.	
	to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The application does not compromise the conservation or protection of native animal and plant species, ecological communities and their habitats. There are no known threatened species existing across the site. A BDAR Waiver has been issued for the development.	BDAR Waiver at Appendix R
	to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The DA promotes the sustainable management of surrounding built and cultural heritage as outlined in the Heritage Impact Statement, Archaeological Assessment and ACHAR.</p> <p>The application preserves the significance of the fPPb and will result in an overall positive effect in allowing for greater heritage interpretation, ground plane activation, and revitalisation of the adjacent Henry Deane Plaza, Devonshire Street Tunnel, and Central Station area.</p>	<p>Section 6.6</p> <p>ACHAR at Appendix O</p> <p>Heritage Impact Statement at Appendix P</p> <p>Historical Archaeological Assessment at Appendix Q</p>
	to provide increased opportunity for community participation in environmental planning and assessment	The proponent has engaged with the local community and key stakeholders throughout the pre-lodgement process and will respond to submissions following the formal public exhibition process.	<p>Section 5</p> <p>Engagement Report at Appendix T</p>
Section 4.15(1) Matters for consideration	(a)(i) The provisions of any environmental planning instrument	The application has been assessed in accordance with the relevant State planning instruments as outlined in the following sections of this table. The assessment demonstrates the proposal accords with the objectives and provisions of the relevant policies.	<p>Section 4</p> <p>Statutory Compliance Assessment at Appendix B</p>

Reference	Statutory Consideration	Relevance	Section in EIS
		Supporting information is provided within the technical consultant reports.	
	(a)(ii) Relevant proposed instruments that have been the subject of public consultation	The application has been assessed in accordance with the relevant draft State planning instruments as outlined in the following sections of this table. The assessment demonstrates the proposal accords with the objectives and provisions of the draft policies.	Section 4 Statutory Compliance Assessment at Appendix B
	(a)(iii) Any development control plan	Section 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. Notwithstanding this, an assessment against relevant DCP provisions and the Design Guide has been undertaken.	Section 4 Compliance Assessment at Appendix C
	(a)(iiia) Relevant planning agreement or draft planning agreement	Not applicable.	Section 1.2
	(a)(iv) The regulations	This EIS has been prepared in accordance with Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</i> which outlines requirements for State significant development.	Section 4
	(a)(v) Repealed		N/A
	(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	(c) The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7

Reference	Statutory Consideration	Relevance	Section in EIS
	(d) Any submissions made	Submissions will be considered following exhibition of the application.	Section 5
	(e) The public interest	The public's interest in the proposal is demonstrated in the EIS.	Section 7
<i>Environmental Planning and Assessment Regulation 2000</i>			
Part 8, Division 5	Part 8 of the <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulations)</i> outlines requirements for State significant development.	<p>This EIS has been prepared in accordance with Part 8 of the EP&A Regulations.</p> <p>This EIS addresses the SEARs issued by the Secretary as part section 175 of the EP&A Regulations and contains the detailed information identified in section 190 and 192 of the EP&A Regulations. Specifically, this includes a statement prepared by a Registered Environmental Assessment Practitioner.</p> <p>The development is consistent with the principles of ecologically sustainable development as per section 193 of the EP&A Regulations as discussed in Section 6.6.2 of this EIS. This application will be placed on public exhibition on the NSW Major Projects Portal.</p>	<p>SEARs reference table at Appendix A</p> <p>Signed Declaration</p> <p>Section 6.6.2</p>
Part 9, Division 2	Section 209 identifies the maximum percentage of proposed cost of carrying out development that may be imposed by a development levy for development, and specifically the contributions under the Central Sydney Contributions Plan 2022 for identified land.	A condition of development consent will require the monetary payment of development contributions subject to any direction by the Minister.	Statutory Compliance Assessment at Appendix B
<i>Biodiversity Conservation Act 2016</i>			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that Biodiversity	A BDAR Waiver Request was submitted to the DPE in April 2022 in accordance with the guidance provided in the relevant Guidelines " <i>How to apply for a biodiversity development assessment report waiver</i> " prepared by Environment, Energy and	BDAR Waiver at Appendix FF

Reference	Statutory Consideration	Relevance	Section in EIS
	Conservation Act 2016 the likely impact of the proposed development on biodiversity values.	<p>Science and dated October 2019. The Waiver Request provided an assessment against the eight biodiversity values as defined in Section 1.5 of the Biodiversity Conservation Act 2016 and clause 1.4 and clause 6.1 of the Biodiversity Conservation Regulation 2017.</p> <p>On 20 April 2022, the delegated Environment Agency Head in the Environment and Heritage Group determined that the proposed development is not likely to have any significant impacts on biodiversity values. Subsequently on 28 April 2022, the delegate of the Planning Secretary within the DPE also determined the proposed works is not likely to have any significant impacts on biodiversity values.</p>	
<i>State Environmental Planning Policy (Planning Systems) 2021</i>			
Schedule 1	<p>Section 13 Cultural, recreation and tourist facilities</p> <p>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 has a capital investment value of more than \$10 million on land identified as environmentally sensitive area of State significance or a sensitive coastal location is classified as State significant development.</p>	<p>The site sits within the State heritage listed 'Sydney Terminal and Central Railway Stations Group' and is therefore considered to be located in an 'environmentally sensitive area of state significance'.</p> <p>The proposal has a total CIV of \$383,124,649 of which the 'tourist related' component has a CIV of \$77,525,924,</p> <p>The proposal is therefore SSD under section 13 of Schedule 1 of the Planning Systems SEPP.</p> <p>The remaining commercial and retail premises is located within the single mixed-use building and as such is also classified as SSD.</p>	Cost Estimate Report at Appendix H
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>			
Section 2.101 Development within or adjacent to	Section 2.101 applies to land that is on the land shown as "Zone A" on a rail corridors map and has a capital investment	The western portion of the site is identified as being located within both Zone A and Zone B of the <i>Interim Rail Corridor CBD Rail Link & CBD Metro Map</i> (Map 8 of 9) as illustrated in the below extract.	Section 6.14.2

Reference	Statutory Consideration	Relevance	Section in EIS
interim rail corridor	<p>value of more than \$200,000, and on the land shown as “Zone B” on a rail corridors map and—</p> <p>(i) involves the penetration of ground to a depth of at least 2m below ground level (existing), or</p> <p>(ii) has a capital investment value of more than \$200,000 and involves the erection of a structure that is 10 or more metres high or an increase in the height of a structure so that it is more than 10m.</p> <p>For this development, concurrence of the relevant rail authority must be provided before a consent can be granted. In determining whether to grant concurrence, the rail authority is to take into account:</p> <p>(a) <i>the practicability and cost of carrying out rail expansion projects on the land in the future, and</i></p> <p>(b) <i>without limiting paragraph (a), the structural integrity or safety of, or ability to operate, such a project, and</i></p> <p>(c) <i>without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of such a project.</i></p>	 <p>The SSDA will be referred to TfNSW for comment and any comments considered by the proponent and the Department during the Response to Submissions process.</p> <p>The Rail Impact Assessment demonstrates the construction of the development will not impact the structural integrity or safety of a future railway delivered in the identified rail corridor. The proposed new tower is setback from the CBDRL alignment with a minimum offset distance of 20.6m between the edge of the closest tower pad footing and the CBDRL tunnel wall, and as such the load of the tower structure will not be directly upon the railway corridor.</p>	Rail Infrastructure Assessment at Appendix UU
Section 2.103 Development near proposed metro stations	<p>Section 2.103 applies to land shown as CBD Metro Station Extent on a rail corridors map and land that is adjacent to that land.</p> <p>A consent authority must not grant consent to development on land to which this section applies unless it has taken into consideration—</p>	<p>The site is located adjacent to the Central Metro Station as illustrated in the above map extract. During consultation, TfNSW noted that the CBD Metro corridor is unlikely to proceed due to the construction of the Sydney Metro to the east of the site.</p> <p>Nevertheless, the development will not impact the future construction of Metro infrastructure in the corridor as the tower structure will be setback from the north-western corner of the site</p>	<p>Section 6.3.1</p> <p>Section 6.7.3</p> <p>Infrastructure and Utilities Report at Appendix T</p>

Reference	Statutory Consideration	Relevance	Section in EIS
	<p><i>(a) whether the proposed development will adversely affect the development and operation of a proposed metro station, including by impeding access to, or egress from, the proposed metro station, and</i></p> <p><i>(b) whether the proposed development will encourage the increased use of public transport.</i></p>	<p>in the area of the identified tunnel corridor. The proposal will deliver 43,000sqm of additional GFA and as such will incentivise use of a future public transport corridor in this location (and the existing services at Central Station).</p>	
Section 2.122 Traffic Generating Development	<p>Section 2.122 applies to development in Column 1 in the table contained in Schedule 3 of the Transport and Infrastructure SEPP that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>A consent authority must not grant consent to development on land to which this section applies unless it has taken into consideration any submission provided by TfNSW 21 days after the notice was provided, the accessibility of the site, including:</p> <p><i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p><i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail,</i></p> <p>and any potential traffic safety, road congestion or parking implications of the development.</p>	<p>The development proposes 29,228sqm of commercial floor space, which is greater than the 10,000sqm commercial premises threshold identified in Schedule 2. The SSDA will be referred to TfNSW for comment and any comments considered by the proponent and the Department during the Response to Submissions process.</p> <p>Access to the site will be provided from a private road into the adjacent Central Place Sydney site into the precinct basement. The layout and circulation of the vehicular entry point and the basement are suitable for the anticipated traffic volumes, with boom gates and/ or security roller shutters providing security for the site. This will ensure no queuing or congestion is caused by the development onto Lee Street.</p> <p>The surrounding road network has the capacity to accommodate the additional vehicular movements associated with the proposal.</p>	<p>Section 6.9</p> <p>Traffic and Transport Assessment at Appendix DD</p>

Reference	Statutory Consideration	Relevance	Section in EIS
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>			
Section 4.6 Contamination and remediation to be considered in determining development application	A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.	Potential sources of contamination exist at the site will be managed in accordance with the Remediation Action Plan prepared by Douglas Partners. The Remediation Action Plan confirms that site remediation can be achieved on the site to a condition suitable for the proposed development.	Section 4.2 Section 6.5 Detailed Site Investigation at Appendix LL Remediation Action Plan at Appendix MM
Section 4.14 Guidelines and notices	All remediation work is to be carried out in accordance with: <ul style="list-style-type: none"> ▪ The contaminated land planning guidelines ▪ The guidelines (if any) in force under the Contaminated Land Management Act 1997 ▪ A plan of remediation prepared in accordance with the contaminated land planning guidelines 	The Detailed Site Investigation and Remediation Action Plan have been prepared in reference to these guidelines.	Detailed Site Investigation at Appendix LL Remediation Action Plan at Appendix MM
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>			
Section 10.10 Sydney Harbour Catchment	Section 10.10 of Chapter 10 of the Biodiversity and Conservation SEPP outlines the planning principles for land within the Sydney Harbour Catchment.	The development is consistent with the planning principles for land within the Sydney Harbour Catchment area. The development has responded to the flooding and stormwater constraints of the site and will not increase the flood risk of the site. The proposal will deliver a high-quality tower that achieves design excellence and as such will contribute positively to the visual qualities of the broader Sydney Harbour area (with no impact on views towards the harbour due to the site location).	Integrated Water Management Plan at Appendix HH Flood Risk Assessment at Appendix II

Reference	Statutory Consideration	Relevance	Section in EIS
		<p>The provision of new landscaping and gross pollutant traps in Henry Deane Plaza will ensure stormwater run-off is treated and the frequency reduced. Additionally, a 60kV rainwater collection tank will reuse rainwater within the development and for irrigation.</p> <p>Appropriate management measures during construction are proposed to manage contaminated soils.</p>	
Section 10.12 Heritage Conservation	Section 10.12 of the Chapter 10 of the Biodiversity and Conservation SEPP outlines the planning principles for heritage conservation.	<p>The development is consistent with the planning principles for heritage conservation as the proposal will retain the heritage significance of the fPPb and ensure the retention and reinstatement of significant historical elements into the development. The proposed location of the two structural columns within the fPPb has been carefully considered and have been positioned to minimise interference with existing significant internal heritage fabric. The proposed works will reactivate the space, interpret historical connections between the fPPb and the former Parcels Shed and encourage new appreciation for the heritage fabric whilst maintaining its prominence within the streetscape.</p> <p>The proposal is unlikely to impact historical archaeological relics due to the high levels of disturbance which have occurred previously at the site that are likely to have removed previously accumulated deposits. The works are not considered likely to risk direct or indirect harm to Aboriginal objects or heritage values due to high levels of disturbance as a result of intensive European land use have resulted in the complete removal of archaeological deposits.</p>	<p>Section 6.8</p> <p>Aboriginal Cultural Heritage Assessment Report at Appendix O</p> <p>Historical Archaeological Assessment at Appendix P</p> <p>Heritage Impact Statement at Appendix Q</p>

Reference	Statutory Consideration	Relevance	Section in EIS
<i>Sydney Local Environmental Plan 2012</i>			
Clause 2.3 Land Use Zones	<p>The site is zoned B8 Metropolitan Centre. <i>Pond-based aquaculture</i> is prohibited in the B8 Metropolitan zone. All other land uses are permitted with consent.</p> <p>The consent authority must have regard to the following objectives of the zone in granting consent to the proposed development:</p> <ul style="list-style-type: none"> • <i>To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.</i> • <i>To provide opportunities for an intensity of land uses commensurate with Sydney's global status.</i> • <i>To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.</i> • <i>To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.</i> • <i>To promote uses with active street frontages within podiums that contribute to the character of the street.</i> • <i>To promote the efficient and orderly development of land in a compact urban centre.</i> • <i>To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.</i> 	<p>The proposed <i>tourist and visitor accommodation</i> and, <i>commercial premises</i> are permissible with consent in the zone.</p> <p>The proposal is consistent with the objectives as:</p> <ul style="list-style-type: none"> ▪ The proposal will deliver 29,228sqm of commercial floor space, supporting employment generation and providing the critical mass for the first stage of the Tech Central. Additionally, 4,511sqm of retail and 9,260sqm of hotel floor space is delivered to ensure the diversification of employment generation and opportunities within this area. This intensity of development on the site is consistent with the vision for the Central Station Precinct and Sydney's global status. ▪ The proposed development serves the needs of the local and wider community by providing retail tenancies such as a supermarket, convenience retail and food and beverage options. ▪ The proposed development provides employment opportunities in a highly accessible location in proximity to Central Station, including the future Metro platforms, bus interchange and light rail services. Additionally, active transport networks for walking and cycling are available in the surrounding area. ▪ The proposed development promotes public transport use and encourages active transport use through the delivery of significant public domain and pedestrian upgrades in Henry Deane Plaza and Lee Street tunnel. This will provide access through to Central Station, supporting alternative travel models to private vehicles. ▪ Active frontages are delivered on all frontages of the fPPb, and in lower ground level in the areas fronting the lower public domain and the Lee Street tunnel. This includes retail premises, building entrances and outdoor dining areas. ▪ The development promotes the orderly and economic development of land through the delivery of employment generating floor space and a hotel which is highly suited to the site location. No residential uses are proposed. This will ensure 	Sectin 4.1

Reference	Statutory Consideration	Relevance	Section in EIS
	<ul style="list-style-type: none"> <i>To recognise the important role that Central Sydney's public spaces, streets and their amenity play in a global city.</i> <i>To promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.</i> 	<p>the primary role of the zone as a centre for employment is retained.</p> <ul style="list-style-type: none"> The proposed development minimises adverse effects on public spaces and streets in relation to overshadowing and amenity. In particular, the proposal is consistent with the overshadowing provisions identified in clause 6.53 of the Sydney LEP and specifically retains solar access to Prince Alfred Park between 11am – 2pm. The proposal will not adversely impact wind generation within the surrounding area due to the mitigation of wind within the Western Gateway Sub-precinct. 	
Clause 2.7 Demolition	Demolition may only be completed with development consent.	This application seeks consent for the demolition of contemporary additions to the fPPb and elements within Henry Deane Plaza.	Demolition Plans at Appendix F
Clause 4.3 Height of buildings	<p>Clause 4.3</p> <p>The height of a building is not to exceed the height illustrated on the height of building map.</p>	<p>The development has a proposed height of RL 202.8m.</p> <p>The height illustrated on the height of building map is 35m.</p> <p>Notwithstanding this, clause 6.53(6c) permits the height of building to exceed this height, but only if the height of the building will not exceed RL 211.9 metres. The development is therefore compliant with the provisions of clause 4.3 and clause 6.53(6) of the LEP.</p>	<p>Section Error! Reference source not found.</p> <p>Architectural Plans at Appendix F</p>
Clause 4.4 Floor Space Ratio	<p>Clause 4.4</p> <p>The maximum floor space ratio is not to exceed the flood space ratio shown on the floor space ratio map.</p>	<p>The development has a floor space ratio (FSR) of 10.33:1 and a total GFA of 43,000sqm.</p> <p>The FSR illustrated on the FSR map is 3:1.</p> <p>Notwithstanding this, clause 6.53(7c) permits the FSR to exceed this mapped FSR, but only if the gross floor area of all buildings in Block C will not exceed 43,000sqm GFA. The development is therefore compliant with the provisions of clause 4.4 and clause 6.53(7) of the LEP.</p>	<p>Section Error! Reference source not found.</p> <p>Architectural Plans at Appendix F</p>

Reference	Statutory Consideration	Relevance	Section in EIS
Clause 5.10 Heritage conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The consent authority must consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place.</p>	<p>The development is consistent with the planning principles for heritage conservation as the proposal will retain the heritage significance of the fPPb and ensure the retention and reinstatement of significant historical elements into the development. The proposed location of the two structural columns within the fPPb has been carefully considered and have been positioned to minimise interference with existing significant internal heritage fabric. The proposed works will reactivate the space, interpret historical connections between the fPPb and the former Parcels Shed and encourage new appreciation for the heritage fabric whilst maintaining its prominence within the streetscape.</p> <p>The proposal is unlikely to impact historical archaeological relics due to the high levels of disturbance which have occurred previously at the site that are likely to have removed previously accumulated deposits. The works are not considered likely to risk direct or indirect harm to Aboriginal objects or heritage values due to high levels of disturbance as a result of intensive European land use have resulted in the complete removal of archaeological deposits.</p>	<p>Section 6.8</p> <p>Heritage Impact Statement at Appendix Q</p> <p>ACHAR at Appendix O</p>
Clause 6.17 Sun access planes	<p>Clause 6.17</p> <p>The consent authority must not grant consent to development that would project higher than any part of a sun access plane identified in Schedule 6A.</p>	<p>Schedule 6A of the LEP identifies the Prince Alfred Park sun access plane, which is to be protected between 10am – 2pm all year.</p> <p>The proposal does not result in any additional overshadowing to Prince Alfred Park at the key periods of 10am – 2pm. The proposal therefore ensures solar access is provided to this key public space when the parkland is most used.</p>	<p>Section Error!</p> <p>Reference source not found.</p> <p>Urban Design Report at Appendix G</p>
Clause 6.21 Design	<p>The objective of this Division is to deliver the highest standard of architectural, urban and landscape design.</p>	<p>The development addresses the requirements of design excellence in accordance with the Sydney LEP 2012 and the principles of good design as informed by Better Placed. The</p>	<p>Section 6.3</p>

Reference	Statutory Consideration	Relevance	Section in EIS
excellence objective		development will deliver the highest standard of architectural, urban and landscape design for the site and represents a positive contribution to the evolving Central Station precinct.	
Clause 6.21C Design excellence	(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposal incorporates a high standard of architectural design, materials and detailing appropriate to the building type.	Section 6.3
	(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The development significantly improves the amenity of the public domain through the improvements to Henry Denae Plaza, which provides a high degree of permeability and movement will ensure the space provides an appropriate degree of circulation to current and future pedestrian movement patterns. Furthermore, the design of the tower ensures solar access is maintained to Prince Alfred Park between 10am – 2pm.	Section 6.3
	(c) whether the proposed development detrimentally impacts on view corridors,	Key view corridors are maintained and enhanced through the addition of the proposed development. Particularly, the development optimises surrounding vistas and demonstrates a successful approach to the key view corridor along George Street from Town Hall, providing a logical and direct interface to the future Central Square to the north of the site.	Section 6.3
	(d) how the proposed development addresses the following matters—		Section 6.3
	(i) the suitability of the land for development,	The site is highly suited to accommodate the development as outlined previously in this table.	Section 6.1.1
	(ii) the existing and proposed uses and use mix,	The proposal retains the existing hotel use on the site and will complement this with commercial and retail uses.	Section 6.3
	(iii) any heritage issues and streetscape constraints,	The heritage response is respectful to the original fabric of the fPPb and seeks to celebrate the local heritage item through	Section 6.3

Reference	Statutory Consideration	Relevance	Section in EIS
		significantly enhancing the usability of the building to enable greater appreciation of the building by the local community.	Section 6
	(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The positioning of the tower form achieves an appropriate relationship with the fPPb, and the adjacent Atlassian and Central Place Sydney tower forms in terms of separation, setbacks, amenity and urban form. The envelope has been guided by the principles of the Design Guide.	Section 6.3
	(v) the bulk, massing and modulation of buildings,	The articulation of the tower through setbacks, vertical separation and façade articulation further aids in the appreciation of the heritage item. Specifically, the design achieves a softening of the tower form through articulation of the tower into three 'pills', each with curved edges and oriented based upon site boundaries and positioned in accordance with setback requirements.	Section 6.3
	(vi) street frontage heights,	The retention of the fPPb defines the street wall height at the podium on level 7, which is consistent with the surrounding streetscape and notably the Mercure building and Marcus Clarke building.	Section 6.3
	(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	The proposal responds to and successfully mitigates key environmental impacts including heritage, sustainable design, landscaping, overshadowing and access.	Section 6.3
	(viii) the achievement of the principles of ecologically sustainable development,	The development targets a number of third-party environmental sustainability targets and will transition to 100% renewable energy use by 2023.	Section 6.3 Section 6.6
	(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	Vehicular and service access arrangements are provided within the precinct basement, reducing potential conflict with pedestrians and cyclists.	Section 6.3 Section 6.9

Reference	Statutory Consideration	Relevance	Section in EIS
	(x) the impact on, and any proposed improvements to, the public domain,	The development significantly improves the amenity of the public domain through the improvements to Henry Denae Plaza, which provides a high degree of permeability and movement will ensure the space provides an appropriate degree of circulation to current and future pedestrian movement patterns. Furthermore, the design of the tower ensures solar access is maintained to Prince Alfred Park between 10am – 2pm.	Section 6.3
	(xi) the impact on any special character area,	The site is not located within a special character area. The site is located to the south of the Railway Square / Central Station Special Character Area and will not adversely impact the amenity of sites or public domain in this area.	Section 6.3
	(xii) achieving appropriate interfaces at ground level between the building and the public domain,	The proposal delivers an opportunity to reactivate the ground plane and reinstate public access to the ground level sympathetically to the remaining significant heritage fabric and facades. The proposal will provide the opportunity for revitalised usage of the northern and western entrances via Lee Street with further future potential to reinterpret the original western entry from early architectural plans.	Section 6.3
	(xiii) excellence and integration of landscape design.	The landscaping composition has three planting character zones all based on an endemic tree and plant species palette. This includes terraced planting along the Lee Street stairs, scattered trees in the plaza, and an 'urban forest' area accommodating cluster of trees. Within these zones, a total of 22 trees are planted within the plaza, in addition to shrubs, grasses and groundcover.	Section 6.3
Clause 6.53 Western	(1) The clause applies to the land identified as the "Western Gateway Sub-precinct" on the Locality and Site Identification Map (the Western Gateway Sub-precinct).	The site is identified in the Western Gateway Sub-precinct map and as such is subject to the provisions of clause 6.53.	

Reference	Statutory Consideration	Relevance	Section in EIS
Gateway Sub-precinct	(3) Development consent must not be granted to development that results in any part of a building in the Western Gateway Sub-precinct causing additional overshadowing (within the meaning of clause 6.19(2)), at any time of year, of Prince Alfred Park between 10.00–14.00.	The proposal does not result in any additional overshadowing to Prince Alfred Park at the key periods of 10am – 2pm. The proposal therefore ensures solar access is provided to this key public space when the parkland is most used.	Section 6.7.1 Shadow Plans at Appendix G
	(4) Development consent must not be granted to development in the Western Gateway Sub-precinct unless the consent authority has taken into consideration any guidelines made by the Planning Secretary relating to the design and amenity of the Western Gateway Sub-precinct.	An assessment of the proposed development against the provisions of the Western Gateway Design Guideline has been undertaken.	Compliance Assessment at Appendix C
	(5) The following do not apply in relation to a building in the Western Gateway Sub-precinct— (a) clause 6.3 and Subdivision 2 of Division 1, (b) clause 7.20.	Noted.	N/A
	(6) Despite clause 4.3, development consent may be granted to development that results in - the height of a building in Block C exceeding the maximum height shown for Block C on the Height of Buildings Map, but only if the height of the building will not exceed RL 211.9 metres.	Noted. The proposal provides a maximum building height of RL 202.8m.	Section 6.2 Architectural Plans at Appendix F
	(7) Despite clause 4.4, development consent may be granted to development that results in - the floor space ratio for a building in Block C exceeding the maximum floor space ratio shown for Block C on the Floor Space Ratio Map, but only if the gross floor area of all buildings in Block C will not exceed 43,000 square metres.	Noted. The proposal delivers 43,000sqm of gross floor area.	Section 6.2 Architectural Plans at Appendix F

Reference	Statutory Consideration	Relevance	Section in EIS
	(8) Development consent must not be granted under subclause (6) or (7) unless the consent authority is satisfied that the resulting building will not be used for the purposes of residential accommodation.	The building is not used for the purpose of residential accommodation. The proposed uses are <i>tourist and visitor accommodation</i> and <i>commercial premises</i> .	Architectural Plans at Appendix F
	<p>(8A) Development consent must not be granted for the erection of a building (the new building) on Block C above the existing Adina Hotel building (the existing building) unless the consent authority is satisfied that—</p> <p>(a) the total gross floor area of the new building and the existing building will not be more than 41,000 square metres, and</p> <p>(b) the building area of the new building at any height will not be more than 1,300 square metres, and</p> <p>(c) the new building will have a setback of—</p> <p>(i) at least 5 metres from the north east and south west corners of the existing building, and</p> <p>(ii) at least 12 metres from a building on Block A, and</p> <p>(d) the new building will not project more than 16 metres past the southern facade of the existing building.</p>	<p>(a) The application proposes 40,448sqm of GFA within the new building and the existing building. An additional 2,552sqm of GFA is provided within and below Henry Deane Plaza. This results in a total 43,000sqm GFA proposed on the site.</p> <p>(b) The new building area does not exceed 1,300sqm on any new floor. Between level 23 – level 44, a total gross building area of 1,298sqm is provided, compliant with this provision.</p> <p>(c)(i) The application provides a 5m setback from the external glass line to the north-east and south-east corners of the existing building. In two isolated locations on the northern pill, solar shading devices project from the building wall by no more than 500mm. Notwithstanding this, the proposal remains compliant with the 5m setback provision as the definition of a setback is to be measured from the proposed tower building wall in accordance with the Sydney LEP 2012 definition of ‘building line or setback’. This is provided below for reference:</p> <p><i>“building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—</i></p> <p><i>(a) a building wall, or</i></p> <p><i>(b) the outside face of any balcony, deck or the like, or</i></p> <p><i>(c) the supporting posts of a carport or verandah roof,</i></p> <p><i>whichever distance is the shortest.”</i></p>	<p>Section 6.2</p> <p>Urban Design Report at Appendix G</p> <p>Statutory Compliance table at Appendix B</p>

Reference	Statutory Consideration	Relevance	Section in EIS
		<p>Accordingly, as the proposed tower façade walls are setback 5m from the north east and south west corners of the fPPb, the proposal is compliant with clause 6.53(c)(i).</p> <p>(c)(ii) A 12m setback from the proposed outermost external cladding of the eastern facade of the tower is provided to the approved Atlassian development on Block A.</p> <p>(d) The new building is located within 16m of the southern facade of the fPPb.</p>	
Clause 7.3 Car parking spaces not to exceed maximum set out in this Division	The maximum parking space for the site is not to exceed the following as outlined in clause 7.6, clause 7.7 and clause 7.9 as cited for developments within Category D of the Public Transport Accessibility Level Map.	<p>In accordance with the maximum car parking spaces for office premises and business premises, retail premises and hotel or motel accommodation identified in Division 1, the development can provide 106 car parking spaces.</p> <p>The development proposed 106 car parking spaces and as such is compliant with clause 7.3.</p>	<p>Section 6.9</p> <p>Transport Assessment at Appendix DD</p>
Clause 7.14 Acid sulphate soils	Ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The 1:25,000 Acid Sulfate Soil Risk map for Botany Bay indicates that the site does not lie within an area known for acid sulfate soils, nor does the site occur within an area known for soil salinity issues. Furthermore, Douglas Partners considers that as the site is at an elevation of approximately 14 to 20m AHD, the probability of ASS being present on the site is considered extremely unlikely. Preparation of an Acid Sulphate Soils Management Plan is not required for the application.	<p>Sectoin 2.1.9</p> <p>Detailed Site Investigation at Appendix LL</p>
Clause 7.16 Airspace operations	If a development penetrates the Limitation or Operations Surface, the consent authority is to consult with the relevant Commonwealth body about the application.	<p>The development has a proposed height of RL 202.8m and will infringe Sydney Airport's Obstacle Limitation Surfaces (OLS), which is between RL 143.79 – RL 146.37.</p> <p>Referral of the application to the relevant Commonwealth body is therefore required during the notification process. An "airspace application" for the approval of the development as a Controlled</p>	<p>Aeronautical Impact Assessment at Appendix WW</p>

Reference	Statutory Consideration	Relevance	Section in EIS
		<p>Activity under the <i>Airports (Protection of Airspace) Regulations 1996</i> will be submitted via the Civil Aviation Safety Authority (CASA) as a condition of development consent.</p> <p>Subject to the implementation of obstacle lighting at night and times of low visibility, and any other mitigation measure as recommended by CASA, the proposal will not adversely affect the safety, regularity or efficiency of current and future air transport operations to and from Sydney Airport.</p>	
Clause 7.20 Development requiring or authorising the preparation of a DCP	A DCP is required for sites outside of Central Sydney if the site area is more than 5,000 sqm or if the development will result in a building with a height greater than 25m above existing ground level.	Clause 6.53(5)(b) states that Clause 7.20 does not apply to development within the Western Gateway Sub-precinct.	N/A
Clause 7.26 Public art	Public art must not display an advertisement, increase the GFA of a building, impact the heritage significance of a conservation area, item, object or place, and will not impact the amenity of the public domain (in terms of wind, overshadowing or noise impacts).	A preliminary Public Art Plan has been prepared. The potential locations of public art will not impact the amenity of the public domain or the heritage significance of the building.	Section 3.8 Public Art Plan at Appendix VV
<i>Draft State Environmental Planning Policy (Remediation of Land)</i>			
Explanation of Intended Effect	The Explanation of Intended Effect for the draft Remediation SEPP was on exhibition from 31 January 2018 until 13 April 2018. The draft SEPP will retain the key operational framework of the former SEPP 55 and add new provisions relating to remediation works.	The assessment under the Hazard and Risk SEPP remains relevant to the draft Remediation SEPP.	Section 6.5.1 Remedial Work Plan at Appendix N

Reference	Statutory Consideration	Relevance	Section in EIS
<i>Draft State Environmental Planning Policy (Environment)</i>			
Explanation of Intended Effect	The Explanation of Intended Effect for the draft Environment SEPP was on public exhibition from 31 October 2017 until the 31 January 2018. The draft SEPP will consolidate the former Sydney Harbour Catchment REP with a number of other former environmental EPIs.	The assessment under the Biodiversity and Conservation SEPP remains relevant to the draft Environment SEPP.	<p>Integrated Water Management Plan at Appendix HH</p> <p>Flood Risk Assessment at Appendix II</p> <p>Section 6.8</p> <p>Aboriginal Cultural Heritage Assessment Report at Appendix O</p> <p>Historical Archaeological Assessment at Appendix P</p> <p>Heritage Impact Statement at Appendix Q</p>