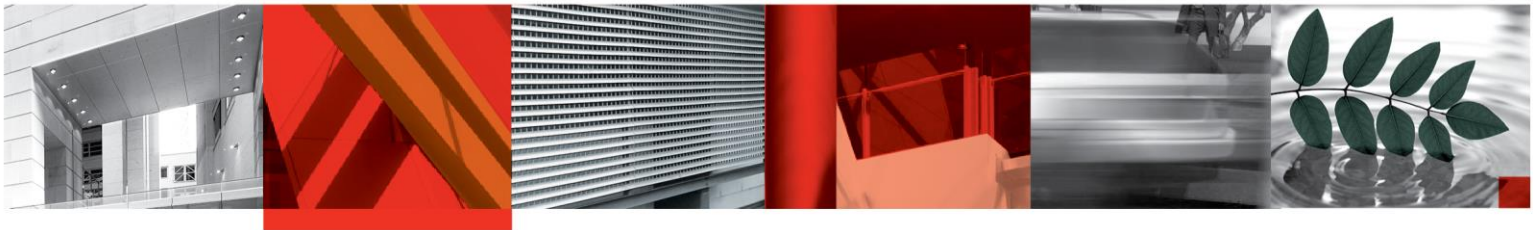


State Significant Development Environmental Impact Statement



161 Sussex Street

Rooftop Bar and Executive Lounge

Submitted to Department of Planning and Environment
On Behalf of GL investment Co Pty Ltd GL No 1 Trust

July 2015 ■ 15190

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This report has been prepared by:



Chris McGillick

1/07/2015

This report has been reviewed by:



Christine Gough

1/07/2015

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Four Points by Sheraton Hotel

Statement of Validity

Development Application Details

Applicant name	GL Investment Co Pty Ltd GL No 1 Trust
Applicant address	Suite 1501, Level 15, 14 Martin Place, Sydney
Land to be developed	161 Sussex Street, Sydney
Proposed development	New Executive Lounge and Bar as described in Section 3.0 of this Environmental Impact Statement

Prepared by

Name	Christine Gough
Qualifications	BTP (Hons)
Address	Level 7, 77 Berry Street, North Sydney
In respect of	State Significant Development - Development Application

Certification

I certify that I have prepared the content of this EIS and to the best of my knowledge:

it is in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;

all available information that is relevant to the environmental assessment of the development to which the statement relates; and

the information contained in the statement is neither false nor misleading.

Signature



Name Christine Gough

Date 1/07/2015

Executive Summary

Purpose of this Report

This submission to the Department of Planning and Environment (the Department) comprises an Environmental Impact Statement (EIS) for a Development Application under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It relates to the expansion of the Four Points by Sheraton Hotel (Four Points) to provide an executive lounge and public bar on the rooftop of the northern tower of the existing hotel, creating two additional levels.

Overview of the Project

The Development Application (DA) seeks approval to construct and operate an executive lounge and public bar on the rooftop of the northern tower of the Four Points Hotel.

This application seeks approval for the following development:

- 452m GFA for an executive lounge at level 11;
- 475m GFA for a public bar at level 12;
- Associated amenities including bar store and kitchen; and
- A plant room.

The Site

The Four Points is a four star hotel located at 161 Sussex Street, Sydney on the western edge of the Sydney CBD, overlooking Darling Harbour. The site comprises Lots 101 and 102 in DP 1009697 and sits within the boundary of lands controlled by the Sydney Harbour Foreshore Authority (SHFA). The site has an area of 11,223 m² fronting Sussex Street. The proposed development, which is the subject of this EIS, is located on the rooftop of the existing north tower of the hotel.

Planning Context

The Four Points Hotel is within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011. As the proposed development will have a capital investment value of more than \$10 million it is declared to be State Significant Development (SSD) for the purposes of the Act.

A request for the issue of Secretary's Environmental Assessment Requirements (SEARs) was sought on 13 April 2015. Accordingly, the SEARs were issued on 12 May 2015. This submission is in accordance with the Department's guidelines for SSD applications lodged under Part 4 of the EP&A Act, and addresses the issues raised in the SEARs.

Environmental Impacts and Mitigation Measures

This EIS provides an assessment of the environmental impacts of the project in accordance with the SEARs and sets out the undertakings made by GL Investment Co Pty Ltd GL No 1 Trust to manage and minimise potential impacts arising from the development.

Key issues identified include:

- Land Use
- Urban Design and Built Form
- View Sharing
- Heritage Impacts
- Environmental and Residential Amenity

- Waste Management
- Construction Impacts
- Infrastructure Servicing
- Impacts to the CBD Rail Corridor
- BCA

Conclusion and Justification

The environmental assessment in this report and supporting technical documentation has considered the proposed development and its potential environment impacts. It has been determined that there will be no adverse environmental impacts and that the potential impacts are able to be managed through the proposed mitigation measure outline in Section 7. Given the planning merits of this proposed development it is recommended for approval.

1.0 Introduction

This Environmental Impact Statement (EIS) is submitted to the Department of Planning and Environment pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in support of an application for State Significant Development (SSD).

The Four Points Hotel is within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011. As the proposed development will have a capital investment value of more than \$10 million it is declared to be State Significant Development (SSD) for the purposes of the Act.

The report has been prepared by JBA on behalf of GL investment Co Pty Ltd No 1 Trust (GL Investment), and is based on the Architectural Drawings provided by Cox Richardson (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), and the Secretary's Environmental Assessment Requirement's for the preparation of the EIS, which are included at **Appendix B**. This EIS should be read in conjunction with the supporting information and plans appended to and accompanying this report.

1.1 Overview of Proposed Development

It is proposed to expand the Four Points Hotel to provide an executive lounge and public bar on the rooftop of the northern tower of the existing hotel, creating two additional levels.

This application seeks approval for the following development:

- 452m GFA for an executive lounge at level 11;
- 475m GFA for a public bar at level 12;
- Associated amenities including bar store and kitchen; and
- A plant room.

1.2 Background to the Development

The Four Points by Sheraton is within the boundary of lands controlled by the Sydney Harbour Foreshore Authority (SHFA). The existing hotel opened in 1990, trading as the Nikko Hotel, but has more recently operated as the Four Points by Sheraton.

In 2013 the Planning Assessment Commission granted consent for the expansion of the existing Hotel, which involved construction of a 25 storey tower comprising 231 hotel rooms and approximately 5,775m² of commercial floor space and convention, exhibition, and function space (SSD 4972).

Works associated with SSD 4972 are currently under construction. SSD 4972 approved the following:

- Total 905 Hotel Rooms and Suites;
- Twenty (25) storey Tower - consisting of new hotel rooms in the lower 14 levels and suites and commercial office space for the seven levels above the Hotel levels;
- Convention space with pre function areas;
- Meeting rooms;

- Porte cochere and hotel lobby and restaurant/bar on ground floor; and
- A direct, safe through site link to Darling Harbour.

A number of subsequent modifications have been made and are also under consideration by the Department, as discussed below:

Modification 1 to SSD_4972 was lodged with the then Department of Planning and Infrastructure (DP&I) in September 2013 as a Section 96(1A) Application. This modification sought to amend Condition A5 of the development consent relating to Section 94A Contributions. This application was approved by the PAC on 19 March 2014.

Modification 2 to SSD_4972 was lodged with the DP&I in February 2014 as a Section 96(1A) Application and sought a number of minor amendments to the building design, these being:

- Reduction in the convention, exhibition and function GFA of 300m² from approximately 4810m² to 4510m²;
- Changes to the structural columns, trusses and footings beneath the tower and convention/function area;
- Deletion of the pre-function area located at the northern end of the building; and
- Changes to the commercial lobby and lift core within the tower.

Modification 2 was approved under delegation from the Minister on 24th July 2014.

Modification 3 to SSD_4972 was lodged with the then DP&I in May 2014 as a Section 96(2) Application and sought a number of design changes, including:

- Changes to the through site link;
- Amendments to the design of the public domain along Slip Street;
- Internal changes to the layout of the approved development;
- Changes to the design of the Porte Cochere and Northern Courtyard entrances along Sussex Street;
- Inclusion of the northern warehouse building;
- Changes to the design of tower building façade;
- Changes to the design of function building façade; and
- Amendments to Condition A5 and H5.

Modification 3 sought to:

- approve the overall design;
- facilitate a streamlined construction program and methodology;
- respond to engineering construction requirements; and
- respond better to the operational needs and requirements of the hotel.

The modification was approved under delegation from the Minister on 19 September 2014. The proposal included a number of changes to the public domain and pedestrian interface to improve functionality. The proposed changes did not significantly alter the design philosophy, however, the changes were considered to deliver a clear improvement in the design quality of the tower façade.

Modification 4 to SSD 4972 was lodged with the Department in March 2015.

Modification 4 seeks to:

- Provide two additional levels of commercial floor space to the approved southern tower;

- Upgrade the end of trip facilities within Slip Lane to cater for the additional commercial floor space; and
- Alter the lift motor room to enable access for maintenance purposes from the roof, rather than the uppermost commercial level.

Modification 4 to SSD 4972 is currently under consideration by the Department. In order to demonstrate the cumulative impacts of the subject development proposal, the proposed amendments to SSD 4972 have been illustrated in the supporting documentation, noting that the 2 additional commercial levels have not been approved by the Department. The exhibition period for this modification has completed and it is understood that following an assessment of the environmental impacts by the Department, the proposal will be able to be determined under delegation from the Minister for Planning.

Modification 5 to SSD 4972 was lodged with the Department in April 2015 and proposed a new 6th lift to the existing hotel lobby. The proposed modification have been publically exhibited. It is therefore anticipated that the 6th lift will be able to be determined under delegation from the Minister for Planning following the Departmental assessment.

Again, the proposed addition of the 6th lift has been included in the documentation submitted with this Development Application, to demonstrate the cumulative impacts of the Proposal.

1.3 Objectives of the Development

GL Investment is has committed significant investment to upgrade and position the Four Points by Sheraton hotel as a premium product in the CBD. The rooms and interior spaces have undergone a complete refit and the hotel will be expanded to include a 27 storey tower and convention and function space (subject to approval of Mod 4)). The proposed rooftop executive lounge and bar will contribute to this process.

The objectives of the development are to:

- Compliment the design of the existing hotel;
- Take advantage of the significant harbour views available from the existing rooftop;
- Provide a premium executive lounge for members and high value guests;
- Improve capacity within existing service and dining areas of the Hotel;
- Develop facilities befitting a premium CBD hotel; and
- Develop the rooftop extension in line with the main expansion works.

1.4 Analysis of Alternatives

Strategic need for the proposal

Previous to the current expansion works associated with SSD 4972, a rooftop bar operated primarily for hotel guests and was known as Bar 11. Bar 11 operated as an ancillary use to the hotel functions.

As part of the refurbishment works, the desire to formalise the rooftop bar was identified as a mechanism to relieve pressure on the existing hotel catering spaces and provide a location that would maximise and take advantage of, the excellent site attributes and views available from the site.

The strategic need for the proposal arises from an operational perspective, in so far as improving hotel functions by providing a dedicated area for members and high value guests to utilise, and also embellish the previous Bar 11 through the formal dedication of floor space for this use, with associated 'back of house' amenities and facilities. It is

intended that the executive lounge would be utilised during the breakfast service to provide not only a premium location for these facilities, but also relieve pressure on existing dining areas during breakfast, which is the busiest catering period for hotel guests. While the existing and approved hotel can accommodate this service, the provision of additional floor space will aid in improving hotel operations, and provide a premium service.

‘A Plan for Growing Sydney’ (the Metropolitan Plan) was released in December 2014 and establishes a blueprint for the growth of Sydney, and the CBD. A key priority within the Metropolitan Plan is to grow the ‘cultural ribbon’ around Sydney Harbour, which includes Darling Harbour as a key precinct. The approved convention centre within the Four Points under SSD 4972 is an important component of both enhancing the cultural ribbon, and providing linkages between the CBD and Darling Harbour.

The proposed executive bar and lounge intends to capitalise on the excellent locational attributes of the site and provide an active rooftop area which will further support the convention centre and hotel functions approved under SSD 4972.

Alternative Options

A rooftop bar has previously operated on the subject site and there has been no known adverse environmental impacts associated with this use. The subject Development Application seeks to expand upon and formalise this previous use, which will facilitate improved hotel operations, as well as activate the rooftop space.

The proposed location for the rooftop bar and lounge is considered the most appropriate for the site as it is located on the lowest of the three towers (the north tower) and is considered to provide suitable access arrangements between the existing lift lobby and the proposed new use. The central tower and the new southern tower are not considered suitable options.

While the hotel operations within the Four Points Hotel approved under SSD 4972 are self-sufficient, the addition of the executive bar and lounge will allow the hotels operations to be streamlined by creating extra spaces within the Hotel for patrons to utilise. The activation of the rooftop is considered a positive element for the site, and the CBD and therefore, no alternative options were considered for the proposed new use.

1.5 Secretary’s Environmental Assessment Requirements

In accordance with section 89G of the EP&A Act, the Secretary of the Department of Planning and Environment issued the requirements for the preparation of the EIS on 12 May 2015. A copy of the Secretary’s Environmental Assessment Requirements (SEARs) is included at **Appendix B**.

Table 1 provides a detailed summary of the individual matters listed in the SEARs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 1 – Secretary’s Environmental Assessment Requirements

Requirement	Location in Environmental Assessment
General	
The Environmental Impact Statement (EIS) must address the Environmental Planning and Assessment Act 1979 and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the Environmental Planning and Assessment Regulation 2000.	Environmental Impact Statement
Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.	Section 6.0

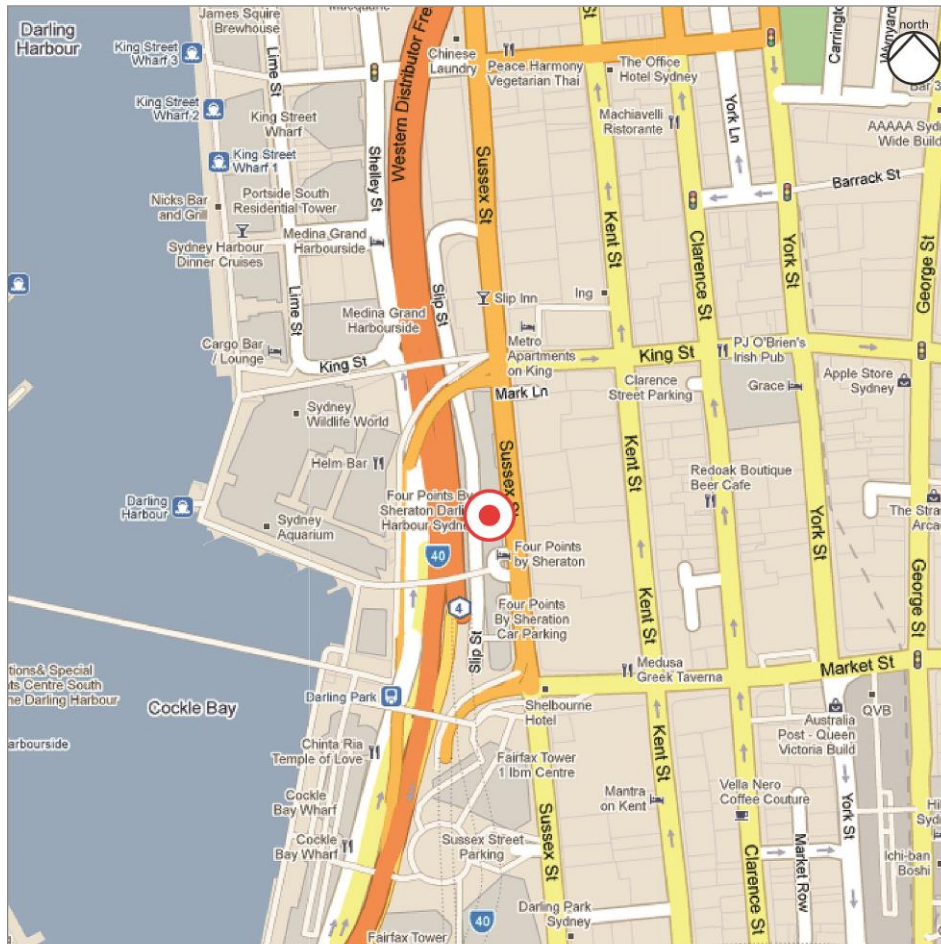
Requirement	Location in Environmental Assessment	
Where relevant, the assessment of the key issues below, and any other significant issues identified in the assessment, must include: <ul style="list-style-type: none"> ▪ Adequate baseline data; ▪ Consideration of potential cumulative impacts due to other development in the vicinity; and ▪ Measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment. 	-	
The EIS must be accompanied by a report from a qualified quantity surveyor providing:		
<ul style="list-style-type: none"> ▪ A detailed calculation of the capital investment value (as defined in clause 3 of the Environmental Planning and Assessment Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; 	Appendix F	
<ul style="list-style-type: none"> ▪ An estimate of the jobs that will be created by the development during the construction and operational phases of the development; and 	Section 5.1	
<ul style="list-style-type: none"> ▪ Certification that the information provided is accurate at the date of preparation. 	Page i	
Key Issues	Report / EIS	Technical Study
Environmental Planning Instruments, Policies and Guidelines		
Address the relevant statutory provisions applying to the site contained in the relevant EPIs, including: <ul style="list-style-type: none"> ▪ State Environmental Planning Policy (State and Regional Development) 2011; ▪ State Environmental Planning Policy (Infrastructure) 2007; ▪ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and ▪ Darling Harbour Development Plan No. 1. 	Section 5.1	-
Address the relevant provisions, goals and strategic objectives in the following: <ul style="list-style-type: none"> ▪ NSW 2021; and ▪ A Plan for Growing Sydney. 	Section 5.1	-
Land Use		
Provide justification for the proposed development, in particular: <ul style="list-style-type: none"> ▪ the proposed mix of uses, compatibility with existing hotel and surrounding land uses; and 	Section 3.0	-
<ul style="list-style-type: none"> ▪ the proposed additional Gross Floor Area (GFA), including a breakdown of GFA by use and a comparison of proposed GFA with the total GFA of the Four Points Hotel Expansion Project (SSD 4972) as proposed to be modified in MOD 4. 	Section 3.1	-
Urban Design and Built Form		
<ul style="list-style-type: none"> ▪ Address the height, bulk and scale of the proposal within the context of the locality, including its 'fit' within the existing hotel building and surrounding properties; 	Section 3.5	Appendix D
<ul style="list-style-type: none"> ▪ Outline the strategy to ensure that design excellence is achieved and provide a physical and 3D CAD model to City of Sydney Council specifications; 	Section 3.5	Appendix A
<ul style="list-style-type: none"> ▪ Detail the design quality and architectural form, with specific consideration to massing, articulation, roof treatment, materials, treatments and finishes and detailing; and 	Section 3.5	Appendix D
<ul style="list-style-type: none"> ▪ Provide a view analysis, including photomontages and perspectives of each elevation, demonstrating compatibility of the proposal when viewed from the public domain and nearby residential towers. 	Section 5.2	Appendix G
Heritage impacts		
<ul style="list-style-type: none"> ▪ Provide a Heritage Impact Assessment (HIA) addressing the potential heritage impacts of the proposal on State significant items in the vicinity of the site, including views and setting. The HIA should include how potential adverse impacts to heritage fabric and/or significant views will 	Section 5.3	Appendix H

Requirement	Location in Environmental Assessment	
be mitigated and assess the proposal against the endorsed Conservation Management Plans for the site.		
<ul style="list-style-type: none"> ▪ If any works are required at or below ground, address any impacts on any archaeology protected under the Heritage Act 1977. 	-	Appendix H
Environmental and Residential Amenity		
<ul style="list-style-type: none"> ▪ Demonstrate how the proposal will achieve a high level of environmental and residential amenity. In particular detail acoustic impacts and mitigation required, visual privacy, servicing requirements, overshadowing, reflectivity and wind impacts. 	Section 5.4	Appendix A, I, J, K
<ul style="list-style-type: none"> ▪ Demonstrate how the proposal will achieve energy/thermal comfort. 	Section 5.4	-
<ul style="list-style-type: none"> ▪ Provide an operational plan of management for the proposed bar, including hours of operation, capacity, licencing requirements, management measures, safety and security management. 	Section 3.4	Appendix R
<ul style="list-style-type: none"> ▪ Address the relevant provisions of the Sydney Development Control Plan 2012 (Late Night Trading Management). 	Section 5.1.1	Appendix Q
Waste Management		
<ul style="list-style-type: none"> ▪ Identify waste management procedures during construction and operation in accordance with the relevant standards and guidelines. 	Section 5.5	Appendix L
Construction Impacts		
<ul style="list-style-type: none"> ▪ Identify measures to ameliorate potential construction impacts on the existing hotel building and surrounding properties. 	Section 3.6	-
<ul style="list-style-type: none"> ▪ Provide details on construction staging and sequencing with Four Points Hotel Expansion Project (SSD 4972). 	Section 3.6	-
Infrastructure Servicing		
<ul style="list-style-type: none"> ▪ Detail the existing infrastructure on site and identify possible impacts on any such infrastructure from the proposal. 	Section 5.7	-
<ul style="list-style-type: none"> ▪ Detail measures to mitigate the impacts of the proposal on any infrastructure items, including proposed relocation/augmentation. 	Section 5.7	-
Impacts to CBD Rail Corridor		
The EIS shall detail the likely effect (if any) of the proposal on the CBD Rail Corridor in consultation with Transport for NSW by demonstrating that:	Section 5.8	Appendix N
<ul style="list-style-type: none"> ▪ the additional two levels will not have a detrimental effect on the structural integrity or safety of the future CBD Rail Link; and 		
<ul style="list-style-type: none"> ▪ the additional load bearing will not have a detrimental effect on the ability, practicability and/or the cost of carrying out rail expansion projects on the land in the future. 	Section 5.8	Appendix N
Building Code of Australia		
<ul style="list-style-type: none"> ▪ Prepare a BCA and access report demonstrating compliance with the Building Code of Australia. 	Section 5.9	Appendix O
Ecologically Sustainable Development		
<ul style="list-style-type: none"> ▪ Identify how the development will incorporate ESD principles in the design and construction phases of the development. 	Section 5.11	-
Consultation		
<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> ▪ City of Sydney Council; ▪ Sydney Harbour Foreshore Authority; ▪ Transport for NSW; and ▪ NSW Licensing Police. <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>	Section 4.0	-

2.0 Site Analysis

2.1 Site Location and Context

The Four Points by Sheraton is a four star hotel located at 161 Sussex Street, Sydney on the western edge of the Sydney CBD, overlooking Darling Harbour. The site's locational context is shown at **Figure 1**.



○ The Site

Figure 1 – Location plan
Source: Google Maps

2.2 Site Description

The site comprises Lots 101 and 102 in DP 1009697 and sits within the boundary of lands controlled by the Sydney Harbour Foreshore Authority (SHFA). GL Investment acquired the site in 2010 and the site is subject to a 99 year lease with SHFA which expires in 2087. The site has an area of 11,223 m², fronting Sussex Street.

The proposed development, which is the subject of this EIS, is located on the rooftop of the existing north tower, shown edged red in **Figure 2**. There is an existing small rooftop bar within the site, known as Bar 11.



Figure 2 – Aerial Photograph detailing the subject site
Source: Nearmap

Existing Development

The site comprises a mix of uses including hotel, commercial offices, retail and restaurant uses. Existing buildings on the site include the Four Points by Sheraton Hotel, which extends over Slip Street and the Western Distributor, and four heritage listed buildings including the Corn Exchange and the Dundee Arms Hotel.

As previously discussed, the Four Points by Sheraton Hotel is currently undergoing refurbishment, in accordance with SSD 4972. The original Hotel consisted of a Northern Tower and a Southern Tower (now central tower), with a stepped form from 10 storeys in the Northern Tower to 16 storeys in the Southern Tower (Central Tower) (**Figure 3**). SSD 4972 has approved the construction of a new southern tower and as per proposed MOD 4 to this consent, this tower is proposed to be 27 storeys high (subject to determination) (**Figure 4**).



Figure 3 – The Four Points Hotel viewed from Pymont Bridge prior to SSD 4972.
Source: JBA



Figure 4 – The Four Points Hotel viewed from Pymont Bridge incorporating existing and proposed amendments to SSD 4972
Source: Cox Architects

2.3 Surrounding Development

The site's location on the perimeter of Darling Harbour places it in a busy and important tourist and commercial centre. The Hotel is within walking distance of the CBD's major commercial, entertainment and shopping districts including the Queen Victoria Building, Pitt Street Mall, Chinatown and Darling Harbour. The surrounds of the site are detailed below.

Directly to the north of the site is the 'Slip Inn' and serviced apartments. Further to north along Sussex Street are commercial office uses.

Surrounding development to the east comprises commercial office uses and a parking station. A residential apartment building is located at 26 Market Street.

Immediately to the south of the site is pedestrian access over Sussex Street to Darling Harbour. This pedestrian walkway over Sussex Street leads to Pyrmont Bridge which is located to the south west of the site.

Further south on Sussex Street is the Shelbourne Hotel and the Darling Park tower complex and other commercial office buildings. The Darling Park towers are on the southern side of Market Street and include a direct pedestrian link to Cockle Bay. Opposite the Darling Park Towers is the Astoria Tower apartment building at 222-228 Sussex.

Adjoining the site to the west is the M4/ Western Distributor and Darling Harbour. Darling Harbour is a large tourist, entertainment and cultural precinct which includes major attractions and venues such as the Sydney Aquarium, Sydney Wildlife World, the National Maritime Museum and Sydney Exhibition Convention Centre, the Imax Cinema and Harbourside Shopping Centre.

3.0 Description of the Development

This chapter of the report provides a detailed description of the proposed development. Architectural drawings, perspectives, montages and shadow diagrams are included at **Appendix A**.

The proposed development seeks to formalise the existing Bar 11 arrangement which has been operating at level 11 of the north tower (the site). The proposed development will be entirely ancillary to the existing hotel arrangements.

This application seeks approval for the following development:

- an executive lounge at level 11;
- a public bar at level 12;
- Associated amenities including bar store and kitchen; and
- A plant room.

The total increase in GFA includes 452m² on level 11 and 475m² on level 12.

A photomontage of the proposed development is shown at **Figure 5**.

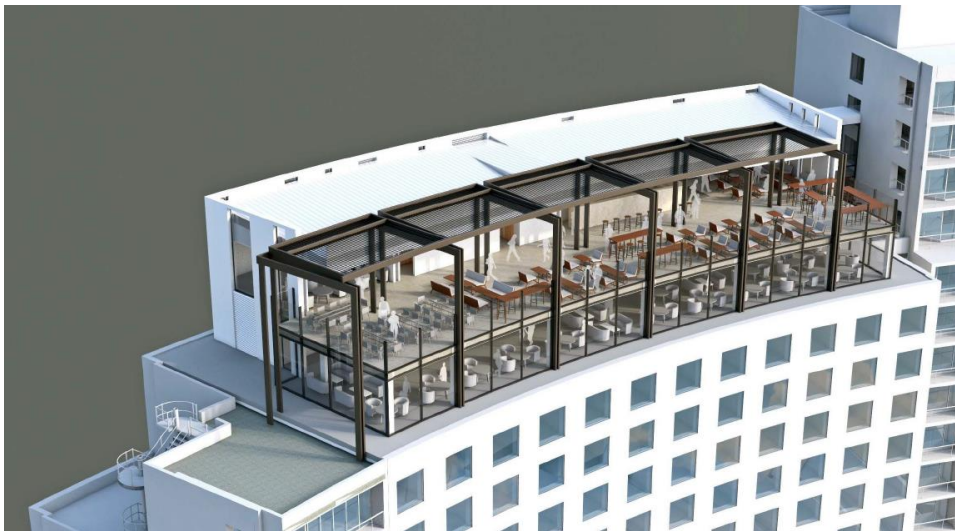


Figure 5 – Photomontage of the proposed new executive bar and lounge.
Source: Cox Architects



Figure 6 – Photo montage of the proposal, incorporating the approved and proposed elements of SSD 4972
 Source: Cox Richardson

3.1 Numerical Overview

Table 2 below provides a summary of GFA relating to the proposed lounge and bar extension in relation to the existing and proposed GFA at the Four points Hotel.

Table 2 – GFA Summary

	Original SSD Consent	Approved Modifications	Modification 4	Proposed New Executive Lounge and Bar
GFA (whole site)	10,263.6m ²	+ 284m ²	+1620m ²	+ 927m ²

Total GFA post Modification 4 approval and proposed new executive lounge and bar is 13094.6m².

3.2 Level 11 Lounge

The level 11 lounge will have a maximum capacity of 200 persons and the area will service the hotel’s premium guests with limited food and beverage service including buffet breakfast, tea, coffee, evening snacks and alcoholic beverages. A full time host will be stationed adjacent to the entry and will ensure that only guests with required authorisation are provided entry. The area will be staffed when accessible by guests and will generally be open for breakfast from 6am. Given its use solely by hotel guests, a Minor’s Area Authorisation will be sought for the lounge. Level 11 will feature air conditioning and mechanical louvers to control the climate.

The Level 11 lounge has been proposed to reduce pressure on existing hotel operations, particularly during the busy breakfast peak period. The level 11 lounge is intended to complement existing hotel operations and will not introduce any new land uses within the site.

3.3 Level 12 Bar

The level 12 bar will have a maximum capacity of 200 persons. Given the experience with the existing bar 11 the patronage will primarily come from hotel guests, however the bar will be publically accessible.

The proposed bar on Level 12 will operate in a similar manner to the existing Bar 11 on what is now level 11 of the north tower with full time qualified staff on duty at all times the bar is open to guests. The safety of patrons on the open roof deck is ensured with the provision of a 1500mm high glass balustrade for the full perimeter of the open area. The bar seating area will be covered by CCTV cameras linked to the hotel security system and a duress alarm will be provided at all cash points.

The Level 12 deck will be an open environment which maximises the position and frontage to Darling Harbour to provide a unique occasional space. The deck will be sheltered by operable mechanical louvers and generally open to the environment. The bar area can be separated from the deck by moveable glass doors. Operable louvers at the eastern facade of Level 12 can be opened to provide additional air circulation.

The proposed Level 12 bar will formalise the operation of a roof top bar at the Four Points hotel and will not introduce a new land use to the site. The additional floor space will enhance and streamline hotel operations. The proposed bar will complement the approved hotel expansion and cater for conference guests and hotel guests alike.

3.4 Operations

The lounge and bar are to be included within the hotels liquor license area and an application will be submitted to the NSW Office of Liquor, Gaming and Racing for approval of any revision to the liquor license and Minor's Area Authorised boundaries. It is proposed that the current operating hours and liquor licensing arrangements would be maintained for both the relocated bar and lounge. The Hotel has permission to operate 24 hours under this license, which is typical for a development of this nature. The Hotel management and operating plan determines when each of the Hotel facilities are open according to their approved management plan.

The lounge and bar will be managed in accordance with the following Office of Liquor, Gaming and Racing's documents in relation to liquor operations.

- License Checklist (March 2012)
- Statutory license conditions and requirements

There is no gambling proposed at this or at any other existing licensed premises of the hotel.

A copy of the Four Points Hotel liquor licence is provided at **Appendix C**. A copy of the proposed Operational Plan of Management is provided at **Appendix R**.

3.5 Design Statement

An Architectural Design Statement has been prepared by Cox Richardson (**Appendix D**) for the development. The Design statement describes the architectural design intent of the proposal.

3.5.1 Urban Context

The additional two floors at the northern tower of the Four Points Hotel will moderate the ziggurat expression of the existing towers and will further enhance the future 27 storey tower at the southern end of the site through the introduction of complimentary lightweight materials to the upper level of the north tower.

When viewed from Darling Harbour the moderated ziggurat expression will provide an enhanced view from the public domain compared to the existing built form of the hotel.

The two new floors will add to the urban context positively by presenting a more layered built form. At night the new bar and lounge will present a well-lit and activated space that reduces the solid volume of the CBD above the tower. The proposal in this way will add to the context of the CBD.

3.5.2 Scale and Massing

The scale and massing of the proposal generally follows the existing shape and curve of the existing north and south towers of the hotel which follows a horizontal plane. The new floors will continue the stepping of the northern tower from King Street proportional to the existing built form, while contributing positively to the design of the overall structure.

The façade is finely detailed architecturally to present a visibly lighter and less intrusive structure. The use of glazing and detailed western façade reduces the monotony of the existing solid panels of the northern tower.

While the proposed height of the proposed new bar and lounge sits below the height of the central tower, the overall height of the structure has been reduced to minimise view impacts on adjoining properties.

It is not considered that the proposed built form will add significantly to the bulk of the structure as it proposes a lightweight extension that does not extend the building footprint. It is considered that the addition of the rooftop bar and lounge adds interest and vitality to the roof of the existing structure.

3.5.3 Integration with Existing Hotel

Particular care has been given to designing the proposal to be visually recessive to the existing building and integrated within the existing form. The two new floors relate directly to the existing curve of the tower and will be set back from the edge of the parapet to distinguish that new form from the existing. Materials have been selected which reference the existing white masonry cladding while presenting a new contemporary look.

By integrating within the existing built form of the hotel the new lounge and bar will also successfully integrate within the existing built environment. The built form will present a transparent and permeable activated space fronting Darling Harbour. Accordingly the activated space will provide a positive integrated contribution to the cityscape. A photo montage of the proposed development and the existing development and southern hotel extension is provided at **Figure 6**.

3.5.4 Materials and Finishes

The material and finishes selection has been chosen to seamlessly integrate with the existing buildings whilst presenting a contemporary volume.

The materials consist of:

- Aluminium composite panelling to colour match with the existing façade (white);
- Neutral grey performance glass for the glazing areas to the west; and
- Steel columns and framing on the west to match the colour palette of the western façade of the convention and meeting rooms facing Darling Harbour.

The roof material matches the roofing for the convention / meeting rooms and will not be visible from neighbouring properties, as the parapet will conceal the majority of the roof scape.

The composite aluminium panelling and vertical cladding joints will assist in breaking up the scale of the executive club/bar, whilst providing separate zones for the mechanical louvers and glazing for the amenities areas or break out spaces.

3.6 Construction

Construction of the proposed Bar and Lounge is expected to be integrated within the redevelopment program for main hotel expansion program (SSD 4972). The construction program for the main hotel is scheduled to continue until the end of August 2016.

Detailed programming for the additional work has not yet been undertaken, however it is envisioned that the main structure would be commenced before the northern crane is scheduled to be removed in November 2015, therefore streamlining the construction process (subject to achieving Development Approval).

4.0 Consultation

In accordance with the SEARs, consultation was undertaken with the following authorities:

- City of Sydney Council
- Sydney Harbour Foreshore Authority
- Transport for NSW
- NSW Licensing Police

Table 3 – Summary of Issues Raised and Response

Issue	Comment / response
City of Sydney Council	
Noise impacts Urban Design	A meeting was held with representatives of the City of Sydney on 18 May 2015 in which the proposed executive lounge development was outlined. Council requested that a number of issues be given consideration in the design and assessment including limiting noise impacts and ensuring the design of the structure was adequate to withstand wind and would complement the existing development. The minutes of this meeting were then distributed and are provided at Appendix E .
Sydney Harbour Foreshore Authority	
Urban Design Justification for the additional floorspace	A meeting was held between SHFA officers and the proponent on 11 May 2015 to discuss, amongst other things, the proposed new executive bar and lounge. SHFA advised that they had no additional comments on the proposed development in addition to the comments provided to the Department in response to the SEARs request. The comments raised by SHFA are addressed in Section 4.1 below. Minutes of the meeting are provided at Appendix E .
Transport for NSW	
Impacts to the CBD Rail Corridor	Transport for NSW indicated there were no issues with the proposal in addition to those raised initially to inform the SEARs. This was primarily related to impacts to the CBD Rail Corridor resulting from the proposed development. The proponent offered to meet with TFNSW to further discuss any concerns in greater detail; however TFNSW were satisfied to await the results of the EIS. Impacts to the CBD Rail Corridor are addressed at Section 5.8 .
NSW Licensing Police	
-	Multiple attempts were made to engage the NSW Licensing Police, including email and direct phone calls. No reply was received during the production of this EIS.

The proposed development will be placed on public exhibition for 30 days in accordance with clause 83 of the *Environmental Planning and Assessment Regulation 2000*. During the public exhibition period Council, State agencies and the public will have an opportunity to make submissions on the project.

4.1 SHFA Consultation

SHFA have requested a number of matters be incorporated into the SEARs. Each of these matters are addressed in **Table 4**. It is considered that the matters raised by SHFA have been addressed in this EIS and supporting documentation.

Table 4 – SHFA consultation

SHFA Comment	Comment/Response
The EIS must detail how the two level rooftop bar 'fits in' with the existing hotel buildings and surrounding properties.	It is considered that the proposed roof top bar positively contributes to the existing hotel by providing activation of the roof top. This is discussed further in Section 3.0 of this Report and in the Architectural Design Statement at Attachment D .

Justification for any additional floor space	The justification for the additional floor space has been provided in Section 3.0 of this Report. The additional floorspace is considered minor in the context of the whole site, but will have significant benefits in terms of streamlining hotel operations.
Demonstrate that the bulk associated with the proposed 2 level rooftop bar shall be of a scale, design, form and materials that are sympathetic to the existing north tower.	This has been discussed in Section 3.0 of this Report and within the Architectural Design Statement at Attachment D .
Demonstrate that the bulk associated with the proposed 2 level rooftop bar reads as an elegant lightweight extension with the glass atrium not adding to the visual bulk of the structure.	The design of the rooftop bar has been modified to reduce the overall bulk and therefore improve the outcomes for the site. This is discussed in greater detail in Section 5.2 of this Report. The Architectural Design Statement at Attachment D and the Architectural drawings at Attachment A demonstrate the design intent of the structure. It is considered that the design achieves the requirements of SHFA in this regard.
The siting of the rooftop bar and measures to reduce the prominence of the 'wedding cake'/ ziggurat stepping treatment evident at the northern end of the tower	The proposed rooftop bar and lounge have been sited to enable transition from the main hotel lift lobby into the executive lounge and public bar in a streamlined manner. The proposed new building elements will moderate the ziggurat expression of the existing building, however, the new materials introduced will be lightweight and elegant to create vibrancy within the rooftop space and not create excessive bulk. We note that while the ziggurat expression will be moderated, the proposed additions still maintain the stepped built form of the overall structure, which was an important urban design consideration in the approval of the new southern tower.
Demonstrate how the proposal will achieve energy/thermal comfort	While the executive bar will operate as an enclosed structure, the intent of the Level 12 bar is to replicate the site conditions that are currently experienced by patrons within Bar 11, which is an open bar, exposed to the elements. The proposed DA does formalise these spaces and it is recognised that the comfort of patrons within the new space on Level 12 will be significantly improved over and above what currently exists. The operable louvres will provide a level of protection from the elements, however, a key principle of the design was to maintain an outdoor ambience on the roof top to enable patrons to connect with the external environment.

5.0 Environmental Assessment

This section of the report assesses and responds to the environmental impacts of the proposed DA in accordance with Section 79C of the Environmental Planning and Assessment Act. It also addresses the matters for consideration set out in the SEARs (see Section 4.0).

The Mitigation Measures at Section 6.0 complement the findings of this section.

5.1 Relevant EPIs, Policies and Guidelines

The relevant strategies, environmental planning instruments, policies and guidelines as set out in the SEARs are addressed in **Table 5**.

Table 5 – Summary of consistency with relevant Strategies, EPIs, Policies and Guidelines

Instrument/Strategy	Comments
Strategic Plans	
NSW 2021	This DA is consistent with the strategy as it will enhance the CBD and Darling harbour area as a cultural and recreational destination. The rooftop bar will provide for a new recreational destination that capitalises on unused space with prime views.
A Plan for Growing Sydney	This DA is consistent with the strategy as it will help to grow Sydney CBD as an international and cultural destination. The rooftop bar and lounge will promote high quality accommodation within the city's Cultural Ribbon, helping to attract international tourists. The bar and lounge will provide ongoing employment for up to 9 equivalent full time staff.
Draft Sydney City Subregional Strategy	This DA is consistent with the strategy in that it will: <ul style="list-style-type: none"> Support hotel accommodation for the projected increase in tourists to Sydney; Provide tourist infrastructure which will contribute to Sydney's status as a Global City; and Maintain the character of Darling Harbour as a tourist precinct.
Sydney 2030 (The City of Sydney Council)	The proposal is consistent with the strategy as it will: <ul style="list-style-type: none"> Ensure the city is a lively and engaging place; and Provide sustainable development which renews the existing built form.
Towards 2020 NSW Tourism Master Plan	The proposal is consistent with the plan in that it will contribute to further developing the Darling Harbour area tourist precinct.
State Legislation	
EP&A Act	The proposed development is consistent with the objects of the EP&A Act for the following reasons: <ul style="list-style-type: none"> the promotion and co-ordination of the orderly and economic use and development of land, the provision and co-ordination of community services and facilities, and ecologically sustainable development. <p>The proposed development is consistent with Division 4.1 of the EP&A Act, particularly for the following reasons:</p> <ul style="list-style-type: none"> the development has been declared to have state significance; the development is not prohibited by an environmental planning instrument; and the development has been evaluated and assessed against the relevant heads of consideration under section 79C.
EP&A Regulations	The EIS has addressed the specification criteria within clause 6 and clause 7 of Schedule 2. Similarly, the EIS has addressed the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious or irreversible environmental damage (see Section 5.5).
	As required by Clause 7(1)(d)(v) of Schedule 2, the following additional approvals will be required in order to permit the proposed development to occur.

Instrument/Strategy	Comments																																		
	<table border="1"> <thead> <tr> <th data-bbox="472 297 810 331">Act</th> <th data-bbox="817 297 1121 331">Approval Required</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="472 338 1121 365">Legislation that does not apply to State Significant Development</td> </tr> <tr> <td data-bbox="472 371 810 398">Coastal Protection Act 1979</td> <td data-bbox="817 371 1121 398">N/A</td> </tr> <tr> <td data-bbox="472 405 810 432">Fisheries Management Act 1994</td> <td data-bbox="817 405 1121 432">N/A</td> </tr> <tr> <td data-bbox="472 439 810 465">Heritage Act 1977</td> <td data-bbox="817 439 1121 465">N/A</td> </tr> <tr> <td data-bbox="472 472 810 499">National Parks and Wildlife Act 1974</td> <td data-bbox="817 472 1121 499">N/A</td> </tr> <tr> <td data-bbox="472 506 810 533">Native Vegetation Act 2003</td> <td data-bbox="817 506 1121 533">N/A</td> </tr> <tr> <td data-bbox="472 539 810 566">Rural Fires Act 1997</td> <td data-bbox="817 539 1121 566">N/A</td> </tr> <tr> <td data-bbox="472 573 810 600">Water Management Act 2000</td> <td data-bbox="817 573 1121 600">N/A</td> </tr> <tr> <td colspan="2" data-bbox="472 607 1121 633">Legislation that must be applied consistently</td> </tr> <tr> <td data-bbox="472 640 810 667">Fisheries Management Act 1994</td> <td data-bbox="817 640 1121 667">No</td> </tr> <tr> <td data-bbox="472 674 810 730">Mine Subsidence Compensation Act 1961</td> <td data-bbox="817 674 1121 730">No</td> </tr> <tr> <td data-bbox="472 736 810 763">Mining Act 1992</td> <td data-bbox="817 736 1121 763">No</td> </tr> <tr> <td data-bbox="472 770 810 797">Petroleum (Onshore) Act 1991</td> <td data-bbox="817 770 1121 797">No</td> </tr> <tr> <td data-bbox="472 804 810 860">Protection of the Environment Operations Act 1997</td> <td data-bbox="817 804 1121 860">No</td> </tr> <tr> <td data-bbox="472 866 810 893">Roads Act 1993</td> <td data-bbox="817 866 1121 893">No</td> </tr> <tr> <td data-bbox="472 900 810 927">Pipelines Act 1967</td> <td data-bbox="817 900 1121 927">No</td> </tr> </tbody> </table>	Act	Approval Required	Legislation that does not apply to State Significant Development		Coastal Protection Act 1979	N/A	Fisheries Management Act 1994	N/A	Heritage Act 1977	N/A	National Parks and Wildlife Act 1974	N/A	Native Vegetation Act 2003	N/A	Rural Fires Act 1997	N/A	Water Management Act 2000	N/A	Legislation that must be applied consistently		Fisheries Management Act 1994	No	Mine Subsidence Compensation Act 1961	No	Mining Act 1992	No	Petroleum (Onshore) Act 1991	No	Protection of the Environment Operations Act 1997	No	Roads Act 1993	No	Pipelines Act 1967	No
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SEPP (Infrastructure) 2007	<p>Under the Infrastructure SEPP development proposals of a certain type and size are required to be forwarded to the Roads and Traffic Authority (RTA) for comment and/or concurrence. The subject proposal does not require concurrence from the RTA.</p> <p>The Infrastructure SEPP also requires a consent authority to consider certain matters for developments that have frontage to a Classified Road. The subject proposal does not trigger this requirement.</p> <p>The Infrastructure SEPP also establishes criteria for development in Rail Corridors. This is discussed within this report and is a consideration in the assessment of the DA.</p>																																		
SEPP (State and Regional Development) 2011	<p>The hotel site is within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of the SEPP. Development on a specified site with a capital investment value of more than \$10 million is declared to be State Significant Development for the purposes of the Environmental Planning and Assessment Act 1979.</p> <p>The proposed development has a Capital Investment Value of circa \$11 million (Appendix F) and is therefore considered State Significant Development</p>																																		
Darling Harbour Development Plan No.1 (DHDP)	<p>Clause 6 of the DHDP specifies certain development that may be carried out with a permit (development consent). This includes development for the purposes of tourist, recreational, entertainment facilities. The proposed executive lounge and hotel bar development is permissible and consistent with the objectives of the DHDP.</p>																																		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	<p>The proposed development is consistent with the aims and objectives of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The development is consistent in that:</p> <ul style="list-style-type: none"> ▪ There will be no adverse impact on the scenic quality of the waterway or foreshore area; and ▪ No adverse view loss will occur to and from Sydney Harbour. 																																		

5.1.1 Sydney Development Control Plan 2012 (Late Night Trading Management)

The *City of Sydney Development Control Plan 2012* provides detailed guidance for development within the City of Sydney LGA.

An assessment of the development against the applicable development controls is provided at **Appendix Q**. As indicated in the table, the development is considered to be consistent with the development controls in the DCP.

5.2 View Analysis

A View Analysis has been undertaken by GM Urban Design and Architecture (GMU) (**Appendix G**) to assess the potential impact of the proposed development on nearby residential buildings.

The analysis has targeted residential buildings located to the west and south of the proposal where apartments currently enjoy water views to Darling Harbour.

The view analysis has considered views from a range of heights from the following residential buildings:

- Rex 355 - Kent Street;
- Windsor on Kent – 365-377 Kent Street;
- Trafalgar – 361 – 636 Kent Street; and
- Astoria Tower – 222 – 228 Sussex Street.

The analysis indicates that there would generally be negligible or minor impact to the view from most residential buildings. However, the analysis indicates that views are affected generally on Trafalgar between levels 17-19 and Windsor on Kent between levels 12 to 26 (with the critical levels being 17-19). This is due to the angle of the proposed development in relation to the view and position of the apartments in question.

It is recognised that between the subject site and the Windsor on Kent building, at No. 154 Sussex Street, under the *Sydney Local Environmental Plan 2012*, the maximum building height is to 80 metres (26 storeys). This is well above the level of affected apartments within the Windsor on Kent building and Trafalgar building. Therefore, there is potential for the views that are being taken into account in this analysis to be completely obscured by potential future development on the adjacent site. Given the CBD location, and the reasonable assumption that new commercial development could occur on this site up to the permissible height of 80 metres, an important consideration is the potential for those views that are more severely impacted by the proposed development, to be lost completely at some point in the future.

While GMU have concluded that the view loss is acceptable given these considerations, mitigation measures were investigated by the project team to identify opportunities to improve the view outcome for those apartments most impacted by the proposal. The aim of this was to, *find a balanced solution that is able to help reduce the proposal's view obstruction while maintaining full compliance to the BCA and a high level of amenity for future users in the proposed bar and lounge.* (GMU)

GMU have suggested lowering the pergola on Level 12 by 1 metre to RL 55.870 in the western portion of the proposal will improve the available views and provide the most effective mitigation outcome. GMU that this mitigation measure will, *'significantly reduce the interruption of the views to the land/water interface by retaining its continuity.'* This mitigation measure has been discussed in detail at **Appendix G**. While it is considered that the view loss is acceptable as per the submitted drawings, and the Pergola, as designed, results in an appropriate and suitable design outcome, the mitigation measure described at **Appendix G** and in this Report may be implemented via a condition of consent should the Department perceive a benefit.

Mitigation Measure

In order to ameliorate some of the view loss impacts to residents, the western component of the pergola on Level 12 could be lowered by 1 metre to RL 55.870.

5.3 Heritage Impacts

A Heritage Impact Statement (HIS) has been prepared by City Plan Heritage and is included at **Appendix H**.

As described in Section 2, the site contains four heritage items, all of which are listed on the State Heritage Register. These items include:

- The Corn Exchange (173-185 Sussex Street);
- The Dundee Arm Hotel (171 Sussex Street);
- Warehouses (Former) (139-151 Sussex Street); and
- The Building (Former Shops/Warehouses) (121-127 Sussex Street).

The location of these heritage items within the site is shown on **Figure 7**.

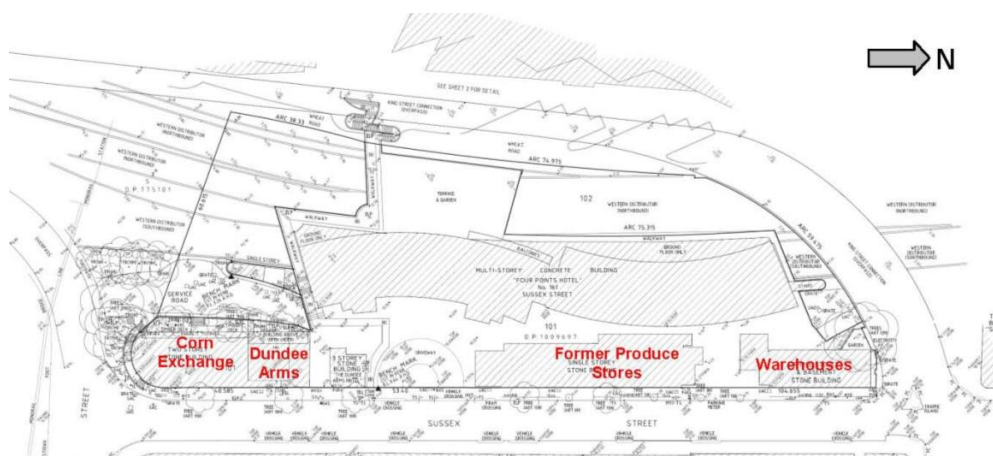


Figure 7 – Heritage items on the site

Other heritage items located in the vicinity of the site include the Pymont Bridge, Shelbourne Hotel and the Cockle Bay Archaeological precinct.

The Heritage Impact Statement concludes that as the heritage items are located at ground level with the proposed development separated from them by ten levels of the existing hotel; the proposed development will not impact the existing or principle views of the heritage items in the vicinity of the site. Accordingly, the proposed two-level addition is considered acceptable from a heritage perspective and complies with the conservation policies of the Conservation Management Plan for the four heritage items within the site.

5.4 Environmental and Residential Amenity

5.4.1 Noise

A Noise Assessment has been prepared by Audio Logic (refer to **Appendix I**). The Assessment has been prepared in accordance with the:

- Protection of the Environmental Operations (POEO) Act 1997.
- NSW Office of Liquor Gaming and Racing (OLGR).
- City of Sydney (CoS) Standard Conditions of Development Consent (SCDC) 2012.
- NSW OEH Industrial Noise Policy (INP).
- NSW OEH Industrial Noise Policy (INP) Application Notes (Sleep Disturbance).

The external noise sources associated with the operation of the proposal have been identified as:

- Patron noise;
- Music; and
- Mechanical Plant.

The Noise Impact Assessment identifies the main noise generating sources and activities during operation of the development; and identifies appropriate measures to minimise and mitigate potential noise impacts (both external and internal).

Noise impacts have been predicted at the most sensitive boundary positions at 55 Shelley Street, 355-365 Kent Street and 18 King Street. Noise impacts have accounted for distance attenuation, building reflections and directivity. The assessment indicates that all the relevant criteria (COS, OLGR and NSW INP) for patron, music and mechanical plant noise emissions would be met. The noise assessment states “*the proposed Executive Lounge and Bar is expected to comply with the City of Sydney Council requirements and relevant standards and guidelines, and will have no adverse noise impact at the nearest affected receiver*” (Acoustic Studio May 2015).

5.4.2 Privacy

The lounge and bar extension has been designed to orient itself toward the west overlooking Darling Harbour. Accordingly, the western façade maximises viewing opportunities with floor to ceiling glazing on level 11 and a rooftop bar deck on level 12. To the west the proposal immediately overlooks the Western Distributor Freeway and the Sydney Aquarium and Wildlife Centre and Cockle Bay. The building does not overlook any residential premises to the west.

To the east of the site is the Sydney CBD. The proposal has arranged services, plant and amenities along the eastern façade of the proposed development to limit overlooking opportunities. To mitigate privacy concerns the development has included mechanical louvers to the design of the eastern façade.

5.4.3 Servicing

The proposed lounge and bar extension will require servicing including electricity, gas, water, sewage and telecommunications. Appropriate augmentation of services will occur to connect the proposal with existing infrastructure within the hotel.

5.4.4 Overshadowing

Overshadowing caused by the proposal is expected to be minimal. The additional impact to the public domain area west of the Aquarium is approximately 1 hour in the early morning hours of mid-winter (between the hours of 9 to 10AM) as shown in **Figure 8**. More importantly there is no additional impact in the public domain from mid-morning (11AM) and for the lunch time hours of 12 to 2PM. Shadow Diagrams are available at **Appendix A**.

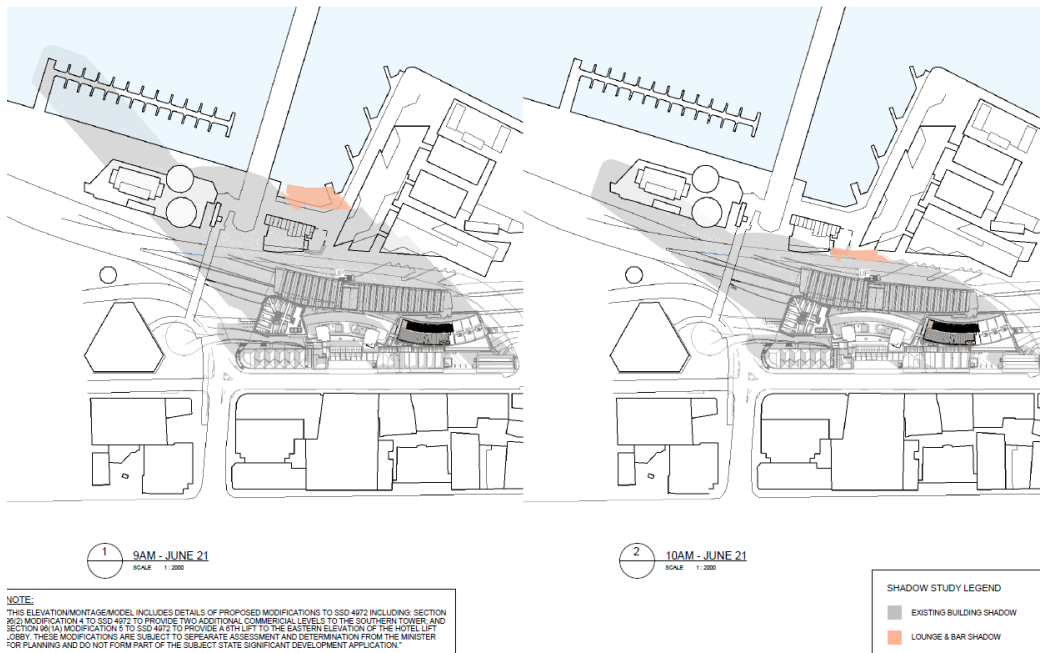


Figure 8 – Shadow Diagram, 9am -10am June 21
Source: Cox Richardson

5.4.5 Reflectivity

Windtech have provided an updated technical memo with regard to solar reflectivity and glare, which is provided at **Appendix J**. Windtech have assessed the potential for glare impacts and solar reflectivity, based on the assessment they carried out in support of Modification 3, which involved changes to the façade design and materials. The updated Report concludes that, *'the top of the existing hotel will not be visible within the zone of sensitive vision of motorists from any of the critical locations identified in that study. Hence there will be no adverse glare impact from the additional two stories which have been added to the existing hotel to motorists within the local surrounding area'* (Windtech, May 2015)

Mitigation Measure

To ensure that there are no adverse impacts with respect to reflectivity and solar glare, the assessment has recommended the following mitigation measures:

- Exterior façade elements used throughout the development are to limit light reflectivity to 20% or less.

5.4.6 Wind

Windtech has prepared a technical memo (**Appendix K**) to assess the impact of wind on the proposal. The wind assessment concludes that the proposed addition of two levels to the existing hotel may be subject to strong winds, particularly the outdoor bar area. The assessment recommends the inclusion of strategically placed 2 metre high screens to mitigate any impacts and to ensure an appropriate outdoor environment. It is intended however, that the bar remain open to provide a real connection to the elements for those who visit the deck bar. The proposal was found to have a negligible impact on the wind conditions experienced on the ground level areas of the site. The landowner does not wish to mitigate the wind impacts at the upper level as the proposed Bar is intended to expose patrons to external the environment, as per the existing Bar 11 experience.

5.5 Waste Management

The Mack Group has prepared a Waste Management Plan (WMP) to ensure waste generated by the proposal is appropriately managed (see **Appendix L**). Based on Council's waste generation guidelines, the WMP identifies the potential types and volumes of waste that are expected to be generated in the operational phase of the proposed development, and suggests systems to be implemented to appropriately manage this waste.

An overview of the management of proposed and potential future uses to be accommodated within the development is provided below.

Construction Waste Management

Waste management during construction will be as per the existing waste management plan on site for the concurrent construction works.

Operational Waste Management

Four waste bins will be provided including:

- Two general waste bins with 240L capacity cleared daily; and
- Two recyclable waste bins with 240L capacity cleared daily.

Due to the area restrictions of the site, waste will be cleared on a daily basis by cleaning contractors via the lift to main waste storage area at the main loading dock. Private waste collection contractors will remove waste from the site, where, as per the existing regime for the Hotel, segregation will occur at the contractor's depot.

Mitigation Measures

In order to appropriately manage and mitigate any adverse impacts arising from waste, the Waste Management Plan will be implemented into the existing operational elements of the existing Hotel.

5.6 Fire Safety

Defire have provided a Fire Safety Engineering Review of the proposal, which is provided at **Appendix M**. The assessment has made several recommendations to achieve compliance with relevant performance requirements to be considered during detailed design of the proposal. The report concludes that, *'It is Defire's professional opinion that it is possible to develop alternative solutions for the issues identified without major changes to the proposed design'* (Defire, March 2015). Accordingly, it is considered that the proposal can satisfactorily meet the requirements of the BCA.

5.7 Infrastructure Servicing

Appropriate augmentation of services will occur to connect the proposal with existing infrastructure within the hotel. This will be subject to detailed design at the Construction Certificate stage.

5.8 Structural Engineering

A Structural Engineering Statement has been prepared by Taylor Thomson Whitting (**Appendix N**) for the proposal. The report describes the proposed structure of the new levels and roof extension and confirms the existing structure has sufficient capacity to support the proposed development. All structural framing will comply with the provisions and applicable Australian Standards from Section B, Part B1 of the Building Code of Australia 2013.

Impacts to CBD Rail Corridor

The report confirms the proposal will not affect the CBD Rail Corridor. The report references previous assessment made previously for the site and states: *In regards to*

rail... the structure for the additional hotel lift will be outside the zone of influence of the Railcorp proposed alignment. There is no change to the principles described in the Rail Corridor Impact Assessment report resulting from the additional levels (Taylor Thomson Whitting, May 2015).

Services

The proposal will not result in any additional loads on existing footings for the approved structure and will not impose new surcharge loads. Accordingly, there is no requirement to change any services as a result of the proposed development.

5.9 BCA

A review of the proposal against the applicable requirements of the Building Code of Australia (BCA) 2014 has been undertaken by Philip Chun (refer to **Appendix O**). The report concludes that the proposed development is capable of achieving compliance with the BCA. Where compliance with the deemed-to-satisfy provisions is not readily achievable, performance based assessment and alternative solutions will be used to demonstrate compliance with the BCA. These alternative solutions will be development prior to Construction Certificate stage.

5.10 Accessibility

Morris-Goding Accessibility Consulting has undertaken an assessment of the proposal against the relevant provisions of the Building Code of Australia (BCA) 2014 in regards to accessibility. The Access Report (refer to **Appendix P**) details the findings of the assessment and concludes that the proposed development has accessible paths of travel that are continuous throughout, and in line with the report's recommendations demonstrates an appropriate degree of accessibility. The drawings indicate that compliance with statutory requirements pertaining to site access, common area access and sanitary facilities can readily be achieved.

5.11 Ecologically Sustainable Development

The EP&A Regulation lists 4 principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

An analysis of these principles follows.

Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

This EIS has not identified any serious threat of irreversible damage to the environment and therefore the precautionary principle is not relevant to the proposal.

Intergenerational Equity

Inter-generational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future

generations. The proposal has been designed to benefit both the existing and future generations by:

- maintaining heritage listed items for future generations to appreciate and enjoy;
- implementing safeguards and management measures to protect environmental values; and
- facilitating job creation in close proximity to public transport.

The proposal has integrated short and long-term social, financial and environmental considerations so that any foreseeable impacts are not left to be addressed by future generations. Issues with potential long term implications such as waste disposal would be avoided and/or minimised through construction planning and the application of safeguards and management measures described in this EIS and the appended technical reports.

Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

The proposal would not have any significant effect on the biological diversity and ecological integrity of the study area.

Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance.

Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

6.0 Environmental Risk Assessment

The Environmental Risk Assessment (ERA) establishes a residual risk by reviewing the significance of environmental impacts and the ability to manage those impacts. The ERA for the proposed new executive bar and lounge has been adapted from Australian Standard AS4369.1999 Risk Management and Environmental Risk Tools.

In accordance with the SEARs, the ERA addresses the following significant risk issues:

- the adequacy of baseline data;
- the potential cumulative impacts arising from other developments in the vicinity of the Site; and
- measures to avoid, minimise, offset the predicted impacts where necessary involving the preparation of detailed contingency plans for managing any significant risk to the environment.

Figure 9 indicates the significance of environmental impacts and assigns a value between 1 and 10 based on:

- the receiving environment;
- the level of understanding of the type and extent of impacts; and
- the likely community response to the environmental consequence of the project;

The manageability of environmental impact is assigned a value between 1 and 5 based on:

- the complexity of mitigation measures;
- the known level of performance of the safeguards proposed; and
- the opportunity for adaptive management.

The sum of the values assigned provides an indicative ranking of potential residual impacts after the mitigation measures are implemented, as provided at **Table 6**.

Significance of impact	Manageability of impact				
	5 Complex	4 Substantial	3 Elementary	2 Standard	1 Simple
1 – Low	6 (Medium)	5 (Low/Medium)	4 (Low/Medium)	3 (Low)	2 (Low)
2 – Minor	7 (High/Medium)	6 (Medium)	5 (Low/Medium)	4 (Low/Medium)	3 (Low)
3 – Moderate	8 (High/Medium)	7 (High/Medium)	6 (Medium)	5 (Low/Medium)	4 (Low/Medium)
4 – High	9 (High)	8 (High/Medium)	7 (High/Medium)	6 (Medium)	5 (Low/Medium)
5 – Extreme	10 (High)	9 (High)	8 (High/Medium)	7 (High/Medium)	6 (Medium)

Figure 9 – Risk Assessment Matrix

Table 6 – Environmental Risk Assessment

				Risk Assessment		
Item	Phase	Potential Environmental Impact	Proposed Mitigation Measures and / or Comment	Significance of Impact	Manageability of Impact	Residual Impact
Noise	O	Noise disturbance to surrounding land uses	<ul style="list-style-type: none"> ▪ The bar will be consistent with relevant noise criteria ▪ Music only to be provided as background, when required; ▪ No Live Bands 	1	1	2 (low)
Waste Management	C / O	Excessive Waste	<ul style="list-style-type: none"> ▪ Waste Managed in accordance with a Waste Management Plan 	1	1	2 (low)
View Impact	O	Loss of views to surrounding residential development	<ul style="list-style-type: none"> ▪ Reduce height of pergola by 1 metre at the western end. ▪ Ensure design integrated into the existing building ▪ Assess potential for development on adjoining land and understand the potential for long term retention of views from residential apartments as a result of this additional development potential. 	2	1	3 (low)

7.0 Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in **Table 7** below. These measures have been derived from the previous assessment in Section 5.0 and those detailed in appended consultants' reports.

Table 7 – Mitigation Measures (Existing and Proposed)

Mitigation Measures
NOISE <ul style="list-style-type: none"> ▪ The bar will be consistent with relevant noise criteria ▪ Music only to be provided as background, when required; ▪ No Live Bands
WASTE MANAGEMENT <ul style="list-style-type: none"> ▪ Waste Managed in accordance with a Waste Management Plan
VIEW IMPACT <ul style="list-style-type: none"> ▪ Minimise scale of proposed new executive bar and lounge ▪ Ensure design integrated into the existing building ▪ Reduce the height of the pergola by 1 metre

8.0 Justification of the Proposal

In general, investment in major projects can only be justified if the benefits of doing so exceed the costs. Such an assessment must consider all costs and benefits, and not simply those that can be easily quantified. As a result, the EP&A Act specifies that such a justification must be made having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

This means that the decision on whether a project can proceed or not needs to be made in the full knowledge of its effects, both positive and negative, whether those impacts can be quantified or not.

The proposed development involves the construction of a new executive bar and lounge. The assessment must therefore focus on the identification and appraisal of the effects of the proposed change over the site's existing condition.

Various components of the biophysical, social and economic environments have been examined in this EIS and are summarised below.

8.1 Social and Economic

It is considered that the social and economic impacts of the proposal are positive in that it will enhance hotel operations and therefore, improve the economic outcomes for the Hotel, which has considerable social and economic benefits to the City as a whole. The new executive lounge will positively contribute to the range of facilities available to patrons. The intent of the new public bar is to ensure that the rooftop location is available for all to enjoy.

8.2 Biophysical

It is not considered that there are any adverse biophysical impacts that are required to be mitigated or managed as a result of the proposal. The proposed executive bar and lounge will be ancillary to the existing hotel operations and therefore, the long term management of these facilities will be consistent with the current operating procedures within the Hotel. We note that Bar 11 has successfully operated on the subject site for a number of years without any adverse environmental impact.

8.3 Public Interest

It is considered that the continual improvement to tourist facilities within the Cultural Ribbon of the Sydney CBD is vital to the ongoing success of Sydney as a global city.

The proposed public bar will also provide public access to the rooftop of the existing hotel, enabling views to be enjoyed by residents, workers and tourists. The activation of the rooftop is considered to contribute positively to the public domain within the Darling Harbour precinct and therefore, the proposal is considered to be in the public interest.

9.0 Conclusion

The Environmental Impact Statement (EIS) has been prepared to consider the environmental, social and economic impacts of the proposed new executive lounge and bar. The EIS has addressed the issues outlined in the Secretary's Requirements (**Appendix B**) and accords with Schedule 2 of the EP&A Regulation.

Having regarded biophysical, economic and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is justified for the following reasons:

- The proposal is permissible with consent and meets all requirements of the relevant planning controls for the site;
- The proposal is consistent with the principles of ecological sustainable development as defined by Schedule 2(7)(4) of the *Environmental Planning and Assessment Regulation 2000* (refer to Section 5.11);
- The provision of a vibrant executive lounge and bar will further support and strengthen the liveability of Sydney;
- The development will enhance the Darling Harbour entertainment precinct;
- The development will positively contribute to the range of facilities available to hotel patrons and the general public;
- The development will result in positive economic benefit for the hotel operations.

Given the merits described above it is requested that the application be approved.