

Detailed Response to Submissions

Agency Submissions

Issue Raised	Comment/Design Response
Environmental Protection Authority	
Not likely to constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).	Noted. A geotechnical report and preliminary construction environmental management plan will be prepared and submitted with the Stage 2 detailed SSDA confirming that none of the thresholds are triggered. A mitigation measure is proposed as part of the Response to Submissions (RTS).
Roads and Maritime Services	
Potential impact on the surrounding geology of the Cross City Tunnel. The developer will be required to enter into an interface agreement, at their cost, with Transurban CCT.	Detailed geotechnical modelling will be submitted to RMS prior to the issue of the relevant construction certificate and required by condition of consent on the Stage 2 development. A mitigation measure is proposed as part of the RTS.
The development is likely to be in close proximity to where the proposed Metro tunnel will cross the Cross City Tunnel. The developer will be required to undertake detailed geological modelling of the impacts of their building combined with the impacts of the Metro tunnels on the Cross City Tunnel.	
The developer is advised that the Cross City Tunnel has an easement (protection zone) around its rock bolts and this zone cannot be entered into.	
The developer is to comply with the requirements of the Roads and Maritime's Technical Direction – Excavation Adjacent to RMS infrastructure (GTD 2012/001).	Documentation will be provided to RMS at least six weeks prior to the commencement of construction (as requested by RMS) and required by condition of consent on the Stage 2 development. A mitigation measure is proposed as part of the RTS.
The developer should give consideration to the Protocol to ensure there is no impact on/from the plume behaviour at the CCT Vent Stack at Darling Harbour.	Noted.

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The development shall not interfere with the ongoing operation and maintenance of the CCT.	Noted.
A splay corner has been dedicated as public road by DP868008. All buildings and structures are to be wholly within the freehold property along the Park Street and Elizabeth Street boundaries.	The Amended Building Envelope (Appendix A) is located wholly within the freehold property boundary and has been adjusted to respond to the splay corner at the property boundary on Park and Elizabeth Street.
RMS reserves the right to include additional requirements upon review of the detailed engineering plans/reports in future detailed DA stages.	Noted. The developer will consult with RMS prior to the lodgement of the Stage 2 SSDA and the future application will be placed on public exhibition in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> .
The layout of the proposed car parking areas associated with the subject development should be in accordance with the relevant Australian Standards.	The detailed car parking arrangement will be subject of the detailed Stage 2 SSDA. The Amended Indicative Design (Appendix C) demonstrates that the proposed basement envelope is capable of providing a compliant car parking layout. This is confirmed by the Transport Study at Appendix E .
Clear driver sightlines should be provided from the proposed vehicle crossings to all road users on Castlereagh Street.	The revised ground plane (refer to Appendix C) provides clear sight lines to all road users on Castlereagh Street, ensuring that vehicles and pedestrians can safely enter and exit the site. This is confirmed by the Transport Study at Appendix E .
The proposed development should be designed such that vibration/road traffic noise from the Cross City Tunnel is mitigated by durable materials in order to satisfy the requirements for habitable rooms under clause 102(3) of the ISEPP.	Noted. A noise and vibration impact assessment will be conducted as part of the Stage 2 SSDA.
All vehicles are to enter and exit the site in a forward direct.	Noted. All vehicles are proposed to enter and exit the site in a forward direction, as demonstrated in the Transport Study at Appendix E .
All vehicles are to be wholly contained on site before being required to stop.	Noted. All vehicles can enter the site before being required to stop, ensuring no queuing on Castlereagh Street or illegal stopping on Park or Elizabeth Streets. Refer to the Transport Study at Appendix E .

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A construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic controls should be submitted to Council and the CBD Coordination Office for approval prior to the issue of a Construction Certificate.	Noted. A CTMP will be prepared and submitted to Council and the CBD Coordination Office prior to the issue of the relevant construction certificate. It is noted that the developer will continue to consult with the CBD Coordination Office prior to lodgement of the Stage 2 SSDA and during the assessment of that application.
Sydney Airport	
At a height of 198.2m AHD, the proposed development would penetrate the OLS by 42.22 metres. Sydney Airport believes that at 332m AHD, Obstacle #5058 (Centrepont tower) would shield the proposed development.	Noted.
Sydney Airport recommend the following conditions: • The maximum height of the proposed development may not exceed 198.2m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc. • At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.	Noted. The developer does not raise any objection to these conditions.
Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings.	Separate approval will be sought from Sydney Airport prior to the issue of the relevant construction certificate.
Transport for NSW	
There are significant concerns that the proposed development would have an adverse effect on the viability of Sydney Metro City and Southwest.	The conditions proposed by TfNSW are acceptable and will adequately address the issues raised. All documentation will be provided as part of the Stage 2 SSDA and the developer will undertake pre-lodgement consultation with TfNSW and Sydney Metro prior to the preparation of the EIS for Stage 2.
The demolition of the existing building will release the existing building load and induce field stress re-distribution. This procedure may also have adverse impacts on the Metro Station structure and should be addressed prior to demolition.	
The placing of any foundations, other structures and building loads in or near the proposed Sydney Metro alignment may affect the practicability of constructing the Sydney Metro City and Southwest tunnels.	

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TfNSW advises that construction has now commenced on the approved Sydney Light Rail and Chatswood-Sydney section of the Sydney Metro City and Southwest.	Dexus will continue to liaise with the CBD Coordination Office in relation to the construction conditions within the Sydney CBD. A CTMP will be prepared prior to the issue of a construction certificate following approval of the Stage 2 SSDA.
Operation of the existing bus stop located adjacent to the site. The existing bus stop accommodates a significant number of bus services and is heavily used by bus passengers	The Transport Study (Appendix E) proposes a relocation of the existing bus stop on Castlereagh Street to provide a safe and efficient passenger drop-off area. This solution will allow the bus stops and services to continue to utilise the Castlereagh Street stops under conditions similar to those of the existing arrangement. The proposed arrangement will be subject to further negotiations with TfNSW. See Section 4.6 and Appendix E of the RTS for further details.
Impact on bus operation associated with: - Potential conflicts between buses entering the bus lane from the bus stop and cars, loading vehicles and cyclists entering the driveway. - The vehicles accessing the loading dock/car park queuing along Castlereagh Street whilst waiting for a gap in pedestrian flow on the eastern footway to enter the driveway.	
TfNSW requests that prior to design competition or any Stage 2 Development Application lodgement for the subject site, the applicant consults with the City of Sydney and the CBD Coordination Office to investigate a hotel pick up/drop off and car park/loading dock arrangement which minimises impacts to general traffic, buses, cyclists and pedestrians.	Noted. A mitigation measure is proposed as part of the RTS.
TfNSW requests that the application prepare a draft Construction Pedestrian and Traffic Management Plan for any Stage 2 Development Application to be lodged for the subject site.	Noted. A preliminary CMP will be submitted as part of a Stage 2 SSDA. A CTMP will be prepared prior to the issue of a construction certificate following approval of the Stage 2 SSDA.
TfNSW requests that any new pedestrian connections to the existing and proposed stations should comply with the Disability Discrimination Act (DDA) at the applicant's cost.	Noted. Future pedestrian connections, including compliance with the DDA, will be detailed as part of a Stage 2 SSDA.
The applicant consults with Sydney Trains to determine whether a new agreement needs to be negotiated for the proposed retail area under the proposed development and level of DDA requirement.	Noted. Consultation with TfNSW and Sydney Trains has been ongoing during the post-lodgement phase.
The applicant provides more detailed information on the proposed pedestrian connections to Museum and future Pitt Street Metro Stations and their ability to accommodate forecast pedestrian demand.	The revised design has removed the connection to Pitt Street Metro Station as the request of TfNSW. The existing pedestrian connection to Museum Station will be retained in its existing location.

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TfNSW requests that the applicant locates bicycle facilities in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with the Austroads guidelines.	The Amended Indicative Design (Appendix C) demonstrates that the proposed building envelope is capable of providing sufficient bicycle parking (in accordance with the applicable SDCP rates) in a safe and convenient location.

Public Submissions

Number of times raised in submissions	Issue Raised	Comment/Design Response
67	Views - Significant views from residential apartment would be lost or impacted. - View sharing is not acceptable as individual apartments would be impacted. - Views through the 'CBD Gateway' to Town Hall would be impacted. - Iconic views to Sydney Harbour, Hyde Park and St Mary's Cathedral are obstructed from neighbouring residential buildings. - View loss not adequately analysed for impacted residential buildings.	The proposed building envelope has been amended (refer to Appendix A) to directly respond to submissions regarding private view loss. The revised tower location will result in views similar to those existing. Refer to Section 4.7 and Appendix G of the RTS.
69	Amenity Direct sunlight to living spaces or bedrooms of neighbouring residential buildings would be reduced. Privacy to balconies of neighbouring residential buildings would be impacted. Natural ventilation and air flow through apartments would be impacted. Separation distance between the hotel and neighbouring residential buildings is not adequate. The proposed development will cast significant shadow on Castlereagh Street and Elizabeth Street. Shadow diagrams showing impact on neighbouring residential buildings have not been provided.	As demonstrated at Section 4.5 and Appendix D of the RTS, the Amended Building Envelope achieves separation distances in excess of those recommended by the ADG. Further, the proposed development will not result in a reduction in solar access to existing residential dwellings. Accordingly, the proposed development is not considered to negatively impact on the amenity of existing dwellings.

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41	Overshadowing The proposed development will cast additional shadow on Hyde Park. Shadow from the proposed development will impact on the Anzac Memorial. New buildings should not be permitted to cast additional shadow on Hyde Park and should improve sun access to the park.	The proposed building envelope will significantly reduce the shadow cast by the existing building on Hyde Park. Detailed shadow diagrams, including calculations of the 50% reduction on 21 June are provided at Appendix D and discussed further at Section 4.3 of the RTS.
71	Traffic The proposed development will cause increased congestion. The removal of the bus stop on Castlereagh Street will detrimentally effect residents of the area. The proximity of the car park and the porte cochere to the traffic lights will cause congestion. The proposed development is close to the Pitt Street North Metro Station and may impact construction. The proposed development will result in more vehicle cross over points along the Castlereagh Street footpath. The amount of car parking provided is excessive. Access to the basement of the neighbouring building will be compromised.	The RTS provides an amended ground floor plane to directly respond to submissions relating to site access (Refer to Section 3.4 and Appendix C of the RTS). This amended ground floor plane will improve the amenity and activation of Castlereagh Street. The Transport Study (Appendix E) demonstrates that the traffic generated by the proposed development will have a negligible impact on the existing road network given the CBD context. The proposed car parking accords with the maximum car parking rates established in the SLEP 2012.
51	Construction Noise during construction will detrimentally impact residents of neighbouring buildings. Pollution and dust from demolition will detrimentally impact residents of neighbouring buildings. Truck movements associated with construction will cause traffic congestion. There are a number of construction sites in the area, resulting in cumulative impacts on existing residents.	SSD8501 does not seek consent for any demolition or construction works. A preliminary CMP will be prepared and submitted as part of the Stage 2 SSDA to identify how construction impacts will be managed. It is expected that construction impacts will be able to be adequately through appropriate mitigation measures as part of the Stage 2 SSDA.

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15	Noise The proposed car park entry will create noise. The bulk of the building will create noise impacts. The proposed development will result in a general increase in noise at all times of the day. The proposed hotel will result in an increase in noise.	Potential noise impacts of the proposed development have been addressed in Section 5.14 and Appendix Q of the original EIS. Detailed noise monitoring will be conducted and submitted as part of the Stage 2 SSDA.
66	Bulk and scale The height, bulk and scale of the proposed development is inconsistent with the character of Hyde Park. The bulk of the building is out of character with the surrounding locality and does not integrate with the streetscape. The proposed podium significantly increases the bulk of the building and will dwarf the surrounding streets. The design of the building is not aesthetically pleasing. The bulk of the podium would obscure significant views to the CBD along Park Street.	The proposed building envelope sets the maximum parameters within which a future building could be designed. The building envelope has been specifically designed to respond to the applicable planning controls and the site-specific context, including Hyde Park. The detailed design of the development will be subject to a design competition held following the approval of the concept SSDA.

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49	Compliance with planning controls The proposed development breaches height and FSR restrictions in the Sydney LEP 2012. The proposed development exceeds the sun access plane set out in the Sydney LEP 2012. The proposed development is inconsistent with the draft Central Sydney Planning Strategy. There were no adequate calculations or measurements provided for the overshadowing reduction on Hyde Park. The proposed development does not comply with the DCP setback of 8 metres. Design excellence should not be included in the proposal as it has not yet been demonstrated.	The proposed building envelope is capable of facilitating a development that is compliant with the maximum FSR control applying to the site at 15.266:1. Refer to Section 4.2 of the RTS. No maximum building height under clause 4.3 of the SLEP 2012 applies to the site. The development achieves the objectives of clause 6.17 and 6.18 of the SLEP relating to sun access planes, as it achieves a 50% reduction in the shadow cast by the existing building on Hyde Park. Refer to Section 4.3 of the RTS. The draft Central Sydney Planning Strategy is not a matter for consideration under s79C of the EP&A Act. Notwithstanding this, the development is consistent with the Strategy as set out at Section 5.3 of the original EIS.
33	Consultation Residents did not receive a letter inviting them to the community consultation session. The community consultation was misrepresented and did not give enough notice to residents. The notification period for the DA needed to be extended. The community consultation did not adequately engage with all affected residents.	A letter was delivered to 500 surrounding residents and landowners on 25 November 2016 to provide information about the proposed development and invite members of the community to a community information session. An advertisement was also placed in the Central Sydney newspaper on 30 November 2016, advertising the community information session. The community information session was held on 6 December 2016 and 12 residents and stakeholders attended. A project email and telephone number was also set up to allow residents to provide feedback.
17	Loss of property value The impacts of the proposed development on the adjoining residential properties will detrimentally impact property value	The loss of property value is not a relevant planning consideration.

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5	Wind impacts The proposed development will create a wind channel through the surrounding streets The proposed development will interrupt the sea breeze through the CBD	The proposed building envelope is expected to result in pedestrian wind conditions similar to those of the existing development. Refer to Section 4.8 and Appendix F of the RTS.
3	Increased energy use Reduced solar access to neighbouring residential properties will increase energy usage.	The proposed building envelope does not reduce solar access to existing dwellings.
3	Cumulative impact of development in the CBD Concern that Council has ignored previous public submissions on other surrounding developments The application does not address the cumulative construction impacts as a result of other developments in the surrounding area	SSD8501 does not propose any demolition or construction works. Construction issues will be managed and addressed in a CMP prepared and submitted with the Stage 2 SSDA. Dexus will continue to consult with the CBD Coordination Authority regarding cumulative construction impacts in the CBD.
2	Planning process Concern about the State Significant Development process.	The proposed development is State Significant Development in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and the <i>State Environmental Planning Policy (State and Regional Development) 2010</i> as it includes tourist and visitor accommodation with a capital investment value of more than \$100 million. The Minister for Planning is the consent authority. The Minister has delegated the assessment and determination of this application to the City of Sydney as set out in Section 1.7 of the original EIS.
2	Development Application documentation There is inconsistency between the information provided in the DA documentation. There is a lack of detail in the DA documents which defer further resolution to the Stage 2 DA.	SSD8501 is a 'concept DA' made pursuant to Section 83B(2) of the EP&A Act. The SEARs establishes the required assessment requirements and these have been addressed in the original EIS and the RTS.