

**Item 4.****State Significant Development Application: 338 Pitt Street Sydney****File Nos.: SSD 10362 (D/2020/610)****D/2016/1509/A****Summary****Date of Submission:** 3 July 2020**Applicant/Developer/Owner:** China Centre Development Pty Ltd**Architect/Designer:** FJMT with Polly Harbison, Aileen Sage and Trias**Cost of Works:** \$726,854,975**Zoning:** B8 - Metropolitan Centre zone

**Proposal Summary:** The application proposes demolition, excavation and construction of two 80-storey towers and podium buildings containing 592 apartments, 158 hotel rooms, retail premises, basement car parking and servicing facilities. A publicly accessible plaza is to be provided at ground level with new through-site connections between Pitt, Liverpool and Castlereagh Streets.

The Capital Investment Value of the hotel exceeds \$100 million and is therefore a State Significant Development. The Minister for Planning and Public Spaces has delegated assessment of the application to the City of Sydney and to the Central Sydney Planning Committee for determination. The assessment, notification and report processes are in accordance with the requirements of the EP&A Act and as recommended by the Department of Planning, Industry and Environment.

A concept approval, D/2016/1509, applies to the site. A concurrent Section 4.55(2) application has been submitted to address inconsistencies between the concept approval and subject detailed design development application, including:

- Additional bulk and reduced setbacks to the northwest and southeast corners of the site.
- Amendments to conditions of consent regarding maximum height, location of apartments and a reduction in the minimum BASIX Energy score.

The concept approval as modified is substantially the same as that originally approved.

The applicant has undertaken a competitive design process in accordance with the City's requirements. The scheme prepared by the partnership led by FJMT with Polly Harbison, Aileen Sage and Trias was identified as the superior scheme and most likely to achieve design excellence. The detailed design application is substantially the same as the winning scheme and adequately addresses the recommendations of the competition jury.

The Environmental Impact Statement and Response to Submissions adequately address the Secretary's Environmental Assessment Requirements (SEARs). In particular, the development complies with the maximum height, floor space ratio and car parking development standards of the Sydney Local Environmental Plan 2012.

The development achieves a high standard of architectural design with appropriate materials and detailing for the CBD environment. The fine grain, varied podium designs and through site links will improve the quality and amenity of the public domain. Sufficient building separation, supported by thoughtful design, is provided to neighbouring sites. The site is not located within any view corridors and due to the slim tower profile will not unreasonably exacerbate already approved view impacts.

The towers are delineated by the skybridge and subtle change in building form on the upper thirds, however the skybridge needs to be reduced in bulk in accordance with a deferred commencement condition. The towers result in acceptable environmental impacts as discussed within the report and achieves a sufficient standard of sustainable design. The development provides sufficient landscaping on podiums which will contribute to local biodiversity and visual amenity. The development therefore achieves design excellence in accordance with Clause 6.21(4) of the Sydney LEP 2012.

A design verification statement prepared by FMJT accompanies the application and demonstrates that the development complies with the design quality principles of the State Environmental Planning Policy No. 65 and the objectives of Parts 3 and 4 of the Apartment Design Guide.

The City publicly exhibited the application for 28 days from 20 July 2020 to 17 August 2020. The City received 8 submissions from government and statutory agencies and 10 public submissions of objection. In response to issues raised in submissions, the applicant submitted a Response to Submissions (RtS) report which provided additional information, diagrams and justification for the proposal. The RtS was exhibited from 11 January 2021 to 25 January 2021.

The site is located over the future Sydney Metro tunnel and as such requires concurrence from Sydney Metro pursuant to 88A of the State Environmental Planning Policy (Infrastructure) 2007. Sydney Metro advises that insufficient information has been provided to be satisfied that the proposed construction will not adversely impact on the structural integrity of the tunnel. The applicant and Sydney Metro have discussed the matter and advise that, subject to the correct information being provided, concurrence can be issued. It is therefore recommended that, if the Committee is minded supporting the application it delegate determination to the Chief Executive Officer pending the receipt of concurrence from Sydney Metro.

**Summary Recommendation:** That the Central Sydney Planning Committee delegate determination for a deferred commencement consent to the Chief Executive Officer pursuant to Section 4.38 of the Environmental Planning and Assessment Act 1979 pending concurrence from Sydney Metro and demonstrating that the decision will not have a significant adverse financial impact on the Council.

**Development Controls:**

- (i) Sydney Airport Referrals Act 1996
- (ii) Sydney Water Act 1994
- (iii) Biodiversity Conservation Act 2016
- (iv) State Environmental Planning Policy 55 - Remediation of Land
- (v) State Environmental Planning Policy (Infrastructure) 2007
- (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (vii) State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development
- (viii) Apartment Design Guide 2015
- (ix) Sydney Local Environmental Plan 2012
- (x) Sydney Development Control Plan 2012
- (xi) Draft Central Sydney Planning Strategy 2020

**Attachments:**

- A. Assessment Report
- B. Recommended Conditions of Consent - SSD 10362
- C. Recommended Conditions of Consent - D/2016/1509/A
- D. Selected Drawings
- E. Competitive Design Process Jury Report

## Recommendation

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD; and
- (B) pursuant to Section 4.38 of the Environmental Planning and Assessment Act 1979, authority be delegated to the Chief Executive Officer to determine application SSD 10362 (D/2020/610) pending the concurrence of Sydney Metro and subject to the Chief Executive Officer determining that the decision will not have a significant adverse financial impact on the Council..

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new hotel accommodation, public domain upgrades, a publicly accessible plaza and through site links and new retail spaces.
- (B) The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury.
- (C) The development complies with the maximum height, floor space and car parking controls contained under the Sydney LEP 2012.
- (D) The application demonstrates design excellence in accordance with the provisions of Clause 6.21 of the Sydney LEP 2012. The slim tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The fine grain, varied podium designs and through site links will improve the quality and amenity of the public domain. The towers result in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for residents, visitors and employees to the site, and is suitably located close to good public transport.

- (E) The development is anticipated to create 3,090 construction and 750 ongoing operational jobs.
- (F) The development has provided sufficient information to address the SEAR.
- (G) All other issues have been appropriately addressed by recommended conditions of consent.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

David Zabell, Senior Planner



# China Centre Development

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State Significant Development Assessment SSD 10362  
(Council reference D/2020/610) and D/2016/1509/A

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# Glossary

Abbreviation	Definition
<b>ADG</b>	Apartment Design Guide
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CBD</b>	Central Business District
<b>CIV</b>	Capital Investment Value
<b>CPP</b>	Community Participation Plan
<b>City</b>	City of Sydney
<b>Crown Lands</b>	Crown Lands, DPIE
<b>CSPC</b>	Central Sydney Planning Committee
<b>Department</b>	Department of Planning, Industry and Environment
<b>DESI</b>	Detailed Environmental Site Investigation
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>GFA</b>	Gross Floor Area
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment

<b>PSI</b>	Preliminary Site Investigation
<b>RAP</b>	Remediation Action Plan
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

This report provides an assessment of a proposal for two 80-storey towers and podium buildings at a site bound by Liverpool Street, Castlereagh Street and Pitt Street in the Sydney CBD. The buildings will accommodate 592 apartments, 158 hotel rooms and associated facilities, retail tenancies and five levels of basement car parking. New through-site links and a plaza complete the project with Dungate Lane proposed to be a shared zone for level access to the site. All existing buildings on site will be demolished.

This application follows and is generally consistent with a concept approval granted by the Central Sydney Planning Committee on 28 February 2018 (reference D/2016/1509) and competitive design process held in 2018. A collaboration of architects led by FJMT and accompanied by Trias Studio, Aileen Sage and Polly Harbison Design were named the winners of the competition and are the nominated architects for the subject application.

This is a State Significant Development Application in accordance with Clause 12(2) of the SRD SEPP as the capital investment value of the hotel component exceeds \$100 million. On 24 October 2019, the Minister for Planning and Public Spaces delegated responsibility for the assessment of the application to the City of Sydney and determination by the Central Sydney Planning Committee (CSPC).

A section 4.55(2) application to amend the concept approval such that it is consistent with the subject application has been assessed and is presented to the CSPC for concurrent approval.

## Engagement

The City publicly exhibited the application for 28 days from 20 July 2020 to 17 August 2020. In response, the City received 8 submissions from government and statutory agencies and 10 public submissions of objection. Key issues raised in public submissions are listed in Section 5.3.

In response to issues raised in submissions, the Applicant submitted a RtS report which provided additional information, diagrams and justification for the proposal. The RtS was exhibited from 11 January to 25 January 2021.

## Assessment

The City has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in submissions. The City considers the proposal is acceptable for reasons outlined below.

### Strategic Planning Framework

The proposal is consistent with the strategic planning framework established for the site. In particular, the proposal is consistent with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan as it would support the renewal of the midtown section of the CBD, provide new hotel accommodation and housing, and provide new through-site links and a publicly accessible square with public art.

The proposal does not fully comply with the Central Sydney Planning Strategy, a draft EPI which seeks to, inter alia, realign incentives for development towards commercial, rather than residential,

development. The draft EPI also seeks to protect existing solar access to Harmony Park and improve the environmental performance of buildings.

- The proposed land uses are still permissible; however, the residential component would exceed the maximum proposed floor space ratio.
- The tower would result in a small area of overshadowing to Harmony Park from 1.58pm - 2.00pm on the winter solstice, which will not adversely impact the amenity of the park.
- City staff have determined that the environmental performance of the building is acceptable and may improve through further technological improvements proffered by the applicant. These are recommended to be investigated by way of condition.

Notwithstanding non-compliance, the development is generally consistent with the current controls and follows a concept approval granted by the City and competitive design process. As such, the development is acceptable.

### Design Excellence

The developer undertook a competitive design process in accordance with the City's provisions, with the proposed development consistent with the winning scheme and recommendations of the competition jury. As discussed within the report, the development achieves the principles of design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.

### Built Form

D/2016/1509/A proposes to increase the extent of the concept building envelope to accommodate the twin tower design approved at the design competition. While the development does not comply with the City's setback controls above podiums, wind tunnel testing demonstrates that the development will not adversely impact the amenity of the public domain. Furthermore, the amended design has a similar impact on view loss from neighbouring apartments, with some apartments in World Square regaining significant views of Sydney Harbour between the towers. Subject to a condition shrinking the concept envelope on the western elevation to follow the link of the towers and skybridge, the development will not adversely impact on the solar access of existing and future residential development in the surrounding area.

The applicant's response to submissions has not sufficiently responded to concerns raised by the competitive design panel and Design Advisory Panel to reduce the width of the skybridge. As proposed, the skybridge is proportionately out of scale with the slim profiles of the towers. A deferred commencement condition is recommended requiring the width of the skybridge to be reduced accordingly.

### Remediation

The application is accompanied by a PSI (Appendix I of the EIS) which identifies the potential for contaminants on the site, requiring their removal to ensure the site is suitable for the proposed uses in accordance with Clause 7 of the SEPP 55 – Remediation of Land. The list of potential contaminants are based on the history of the site which includes light industrial and commercial uses dating back to early settlement.

The PSI recommended a DESI be undertaken to verify the assumptions within the PSI, however this would have required excavation below the existing basement car park slab. The applicant was therefore requested to provide a preliminary RAP, supported by a letter of interim advice from an

accredited Site Auditor, demonstrating that any remediation required would be consistent with the contaminated land planning guidelines and therefore satisfy Clause 7 of the SEPP 55.

This information was received on 12 and 15 March 2021 and has been reviewed by Council's Environmental Health officer. Subject to conditions of consent, the land can be made suitable for the proposed residential uses and as such, the application satisfies the relevant provisions of SEPP 55 – Remediation of Land.

### **Sydney Metro**

The site is located above the Sydney Metro tunnels and as such requires concurrence from Sydney Metro to ensure their structural integrity during construction and occupation. Insufficient information has been received to date, and discussions are ongoing between Sydney Metro and the applicant to resolve this. Assurances have been provided by both parties that, subject to the submission of additional geotechnical information, concurrence can be granted. It is therefore recommended that determination of the application be delegated to the Chief Executive Officer pending the issuance (or otherwise) of concurrence.

### **Conclusion**

The amendments to the concept approval and detailed design development are generally consistent with relevant planning controls for the site and has adequately justified any areas of non-compliance. The development follows a competitive design process and will achieve design excellence in particular contributing positively to the public domain through the additional publicly accessible square and through-site links.

The development complies with the maximum height, floor space and car parking provisions of the Sydney LEP 2012. Subject to conditions, the development will not result in any greater impacts than were approved under the original concept approval and will provide a good standard of amenity for residents.

The proposal is considered to be in the public interest and recommended deferred commencement consent be delegated to the Chief Executive Officer pending the issuance (or otherwise) of concurrence from Sydney Metro.

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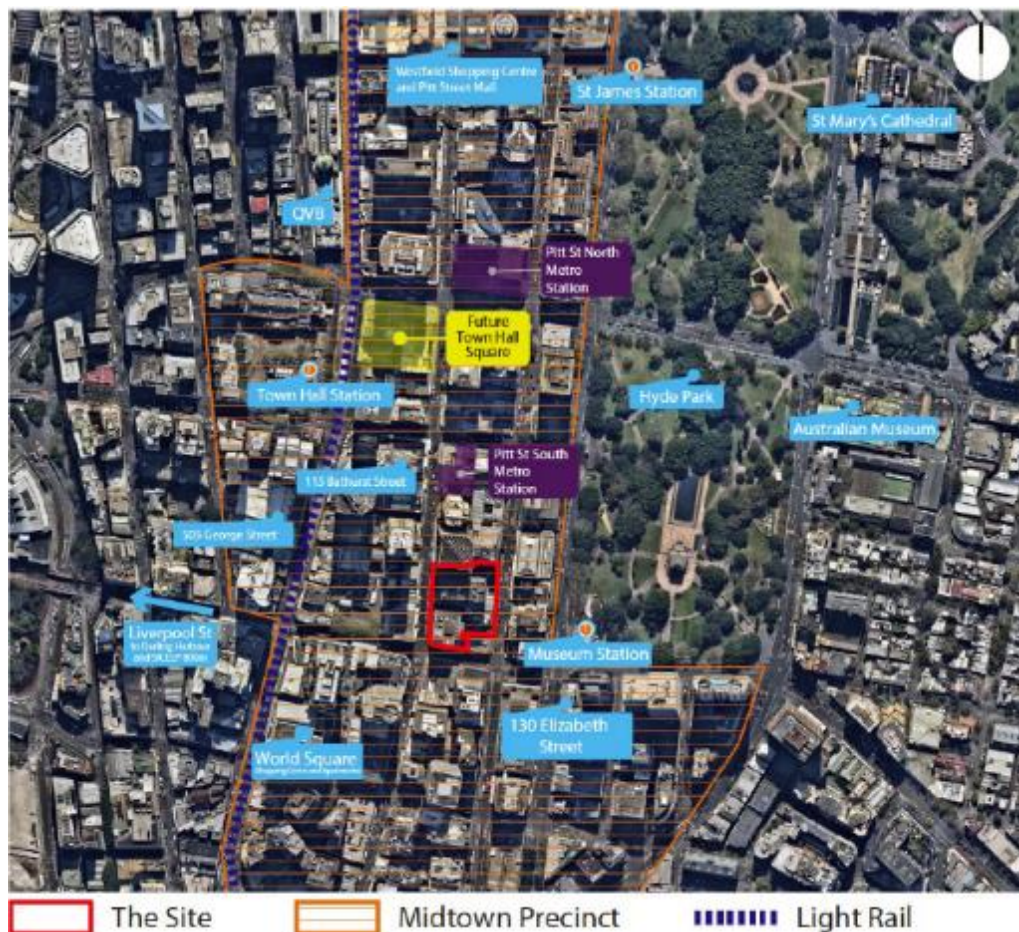
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# 1 Introduction

China Centre Development Pty Ltd (the Applicant) seeks approval to demolish existing structures on site and construct two 80-storey towers, podium buildings and five levels of basement car parking. The development would accommodate 592 apartments, 158 hotel rooms and associated facilities, and retail tenancies. A section 4.55(2) application has been submitted concurrently to ensure the concept approval and detailed design application are consistent.

## 1.1 Site Context

The site is located within the Sydney CBD, identified as “mid-town” within the Central Sydney Planning Strategy. Hyde Park and Museum Station are located east of the site; the future Pitt Street Metro Station is located north of the site; the CBD light rail line is located west of the site; World Square is located southwest of the site.



**Figure 1 |** Regional Context Map (Source: Urbis)

## 1.2 The Site

The subject site has an irregular footprint and an area of 6,091sqm. The site is located within the Sydney CBD bound by Liverpool, Castlereagh and Pitt Streets. The site is identified in **Figures 1** and **2** and includes the following properties:



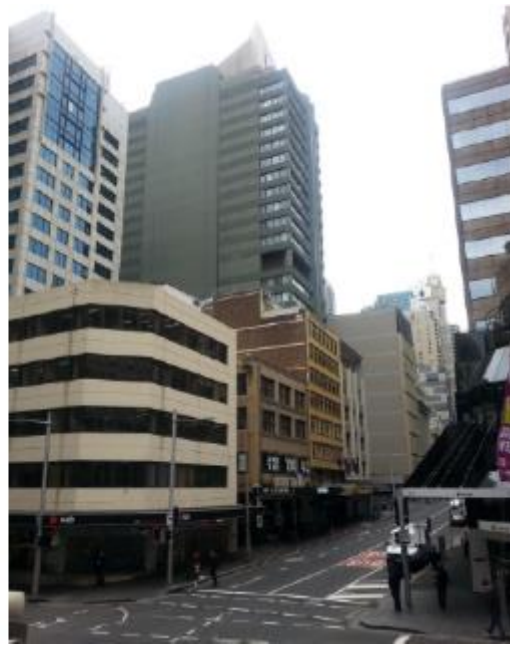
- 324-330 Pitt Street - Lot 3 DP 1044304
- 332-336 Pitt Street - Lot 1 DP 66428
- 338-348 Pitt Street - Lot 10 DP 857070
- 241-243 Castlereagh Street - Lot 1 DP 90016
- 245-247 Castlereagh Street - Lot 1 DP 70702, Lot 1 DP 78245
- 249-253 Castlereagh Street - Lot B DP 183853
- 126 Liverpool Street - Lot A DP 448971
- 128 Liverpool Street - Lot B DP 448971
- 130 Liverpool Street - Lot C DP 448971

The site contains low and high-rise commercial buildings with ground floor retail, office premises above and basement car parking as seen in **Figures 3-8** below. There are no buildings of heritage significance on the site and the site is not located within a conservation or special character area.



**Figure 2 |** Local Context Map (Source: Urbis)





**Figure 3 and Figure 4** | 338 Pitt Street (left) and 233-253 Castlereagh Street (right). The building containing the NAB at ground level does not form part of the site (Source: Urbis)



**Figure 5 and Figure 6** | Commercial terraces at 126-130 Liverpool Street (left) and 324 Pitt Street and vehicular entry (right) (Source: Urbis)



**Figure 7 and Figure 8** | 326 Pitt Street (left) and 233 Castlereagh Street (right) (Source: Urbis)

### 1.3 Surrounding Site Context

The surrounding area is similarly characterised by commercial buildings, with residential accommodation located at 281-283 Elizabeth Street (east of the site) and 343-357 Pitt Street (northwest of the site). Heritage buildings adjoin the property at 225-227 Castlereagh Street and opposite at 379-383 Pitt Street and 127-131 Liverpool Street.



**Figure 9 and Figure 10** | 320 Pitt Street (left) and Fayworth House 379-383 Pitt Street (right) (Source: Urbis)





**Figure 11 and Figure 12** | 363-369 Pitt Street (left) and 127-131 and 133-141 Liverpool Street (right)  
(Source: Urbis)



**Figure 13 and Figure 14** | Mark Foys building to the southeast (left) and World Square entrance to the southwest (right) (Source: Urbis)



**Figure 15** | 281-283 Castlereagh Street (Source: Urbis)

## 1.4 Need and Justification

The Applicant has identified the existing inadequacies of existing building stock on site and the benefits of the proposed development in line with existing and proposed strategic planning documents:

- The existing development comprises low-grade commercial stock of varying scales, which is inconsistent with the objectives for the B8 Metropolitan Centre Zone in that does not provide an intensity of land uses commensurate with the global status of Sydney;
- Dungate Lane is dominated by waste services and is an unsafe and uninviting public space, which experiences flooding during periods of rainfall;
- The existing pedestrian ground plane is dominated by vehicle crossovers and parallel ramps, which provide a poor interface with surrounding streets; and
- The shortage of high-quality visitor accommodation in the Sydney CBD, as identified in the Visitor Accommodation Action Plan 2015.

Given the aforementioned deficiencies, there is an identifiable strategic need for the proposed development which provides an opportunity to:

- Provide an intensity and diversity of land uses consistent with the objectives of the B8 Metropolitan Centre Zone, which serve the workforce, visitors and wider community;
- Capitalise on a large consolidated landholding, constituting nearly one third of a city block, to dramatically enhance the permeability of the Sydney CBD through new pedestrian connections;
- Address the current deficiency in high quality visitor accommodation within the Sydney CBD;
- Rationalise vehicle crossovers, remove detracting basement ramps and substantially improve the interface with surroundings streets, pedestrian safety and amenity; and
- Capitalise on the proximity to existing and future public transport services, including the recently completed CBD and South East Light Rail along George Street and the Sydney Metro City & Southwest.

## 2 Project

### 2.1 Project description

The application seeks approval for demolition and construction of two 80-storey towers, podium buildings and five levels of basement car parking. The development would accommodate 592 apartments, 158 hotel rooms and associated facilities, and retail tenancies.

In summary, approval is sought for:

- Modifications to the concept approval to ensure the approved building envelope and detailed design development application are consistent and include 126-130 Liverpool Street which were subsequently acquired and incorporated into the development.
- Detailed design for demolition, excavation and construction of two, 80-storey mixed use towers and podium buildings containing retail, 158 hotel rooms and associated facilities, 592 apartments and associated facilities and five levels of basement parking. Public domain works including new through-site links are also proposed.

This is a State Significant Development application, delegated to the City of Sydney for assessment and the Central Sydney Planning Committee (CSPC).

The key components and features of the proposals are provided in tables 1 and 2 and Figures 16-34 below.

### 2.2 Concept modification description

**Table 1** | Description of concept modification (D/2016/1509/A)

Aspect	Description
<b>Building envelope</b>	<p>The application proposes to amend the approved building envelope as follows:</p> <ul style="list-style-type: none"><li>• Reduce the southern setback from the centre of Dungate Lane from 12 metres to 4 metres;</li><li>• Reduce the setback to Castlereagh Street from 8 metres to 5.4 metres for a length of approximately 28 metres;</li><li>• Reduce the setback to Pitt Street from 8 metres to a minimum 5.4 metres for a length of approximately 26 metres;</li><li>• Reduce part of the northern setback from 12 metres to 11.4 metres;</li><li>• Accommodate the skybridge footprint; and</li><li>• Allow for 600mm external shading devices</li></ul> <p>The application also seeks to incorporate 128 and 130 Liverpool Street within the development.</p>

## Uses

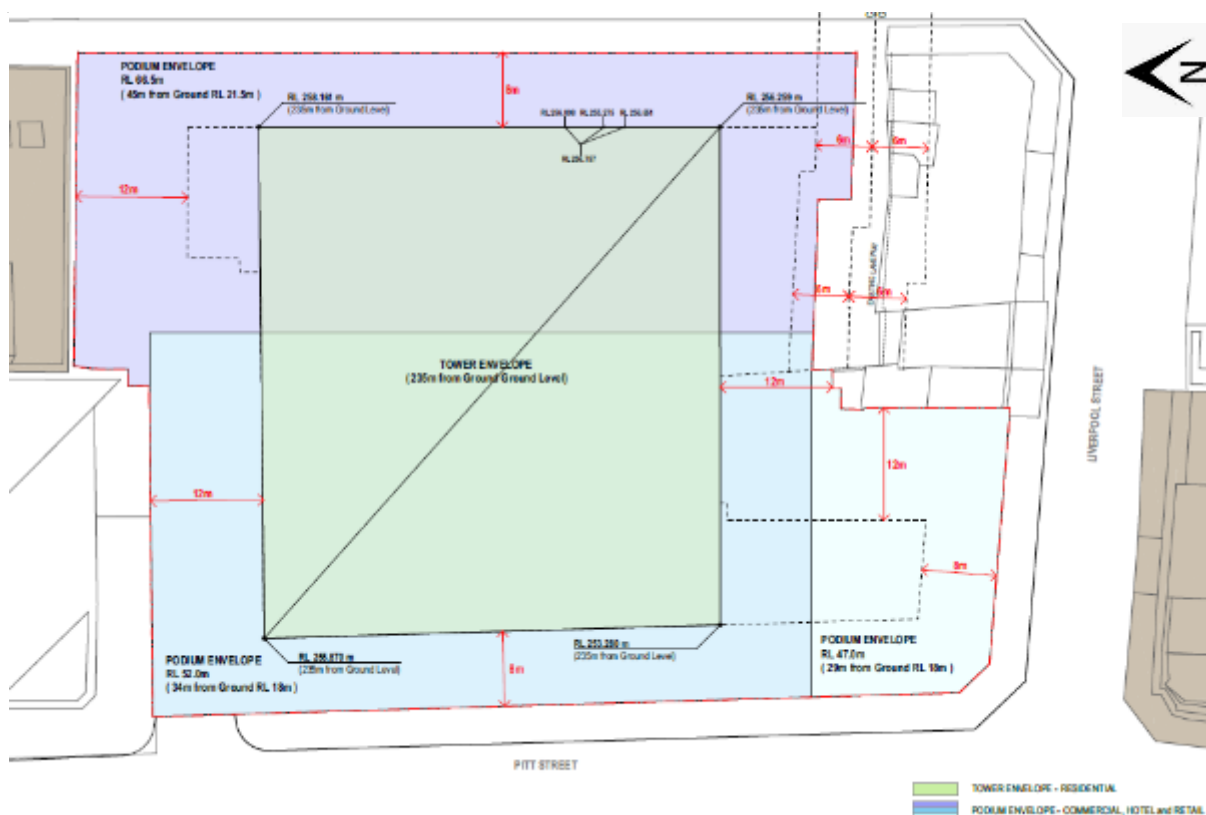
The description of the concept approval is sought to be amended as follows:

Concept proposal for a building envelope with a height of up to 235m (RL 258.161m) or approximately 66 storeys, with indicative future ~~land uses of retail, commercial and hotel uses in a podium and residential uses in a tower above commercial, hotel and residential land uses across a podium and tower form(s)~~, vehicular access and crossovers via Pitt Street and Castlereagh Street and indicative locations for east-west through site links at the northern end of the site and southern end of the site between Dungate Lane and Pitt Street.

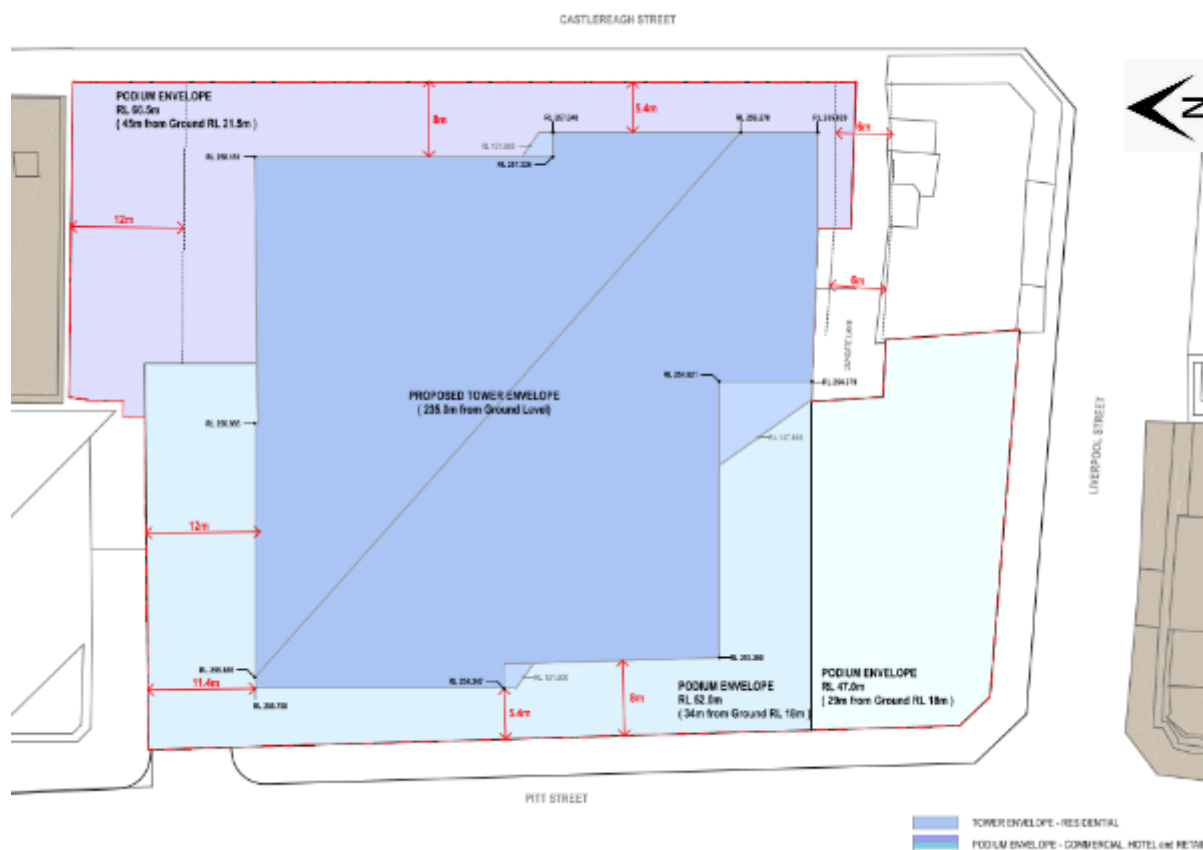
## Conditions

The application proposes to:

- delete condition 4 regarding design modifications;
- amend condition 5 regarding the approved height limits of the towers;
- amend condition 9 to permit residential uses below level 10;
- amend condition 12 to reduce the BASIX energy target from 30 to 25; and
- amend condition 13 such that a preliminary public art plan is required prior to determination of the detailed design application



**Figure 16 |** Approved building envelope plan (Source: FJMT).



**Figure 17 |** Proposed building envelope plan (Source: FJMT).

## 2.3 Detailed design description

**Table 2 |** Description of the detailed design application (DPIE Ref SSD 10362, City Ref D/2020/610)

Aspect	Description
<b>Built Form</b>	<p>The application proposes two 80-storey towers (257 metres, RL 277.5 AHD), connected by a bridge between levels 32 and 36, and a series of podium buildings ranging in height between four and six storeys.</p> <p>The towers have an approximate footprint of 750sqm and are offset from each other: the southern tower is setback 5.4 metres from Pitt Street and aligns to the Dungate Lane boundary, while the northern tower is setback 5.4 metres from Pitt Street and 11.4 metres to the northern boundary.</p> <p>The podium buildings align to the street boundaries. Breaks are provided between the podium buildings for connections to within and through the site.</p>
<b>Uses</b>	<p>The application proposes the following mix of land uses:</p> <p>Residential</p> <ul style="list-style-type: none"> <li>592 residential apartments</li> </ul>

	<ul style="list-style-type: none"> <li>• Open space</li> <li>• Gym</li> <li>• Communal kitchen</li> <li>• Meeting room</li> <li>• Entertainment room</li> </ul>
	<p>Hotel</p> <ul style="list-style-type: none"> <li>• 158 hotel rooms</li> <li>• Spa</li> <li>• Bar and restaurant</li> <li>• Pool</li> <li>• Gym</li> </ul>
	<p>Retail</p> <ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Bar</li> <li>• Shops</li> </ul>
<b>Gross Floor Area</b>	<p>A total GFA of 84,717sqm, comprising:</p> <ul style="list-style-type: none"> <li>• Residential – 61,961sqm</li> <li>• Hotel – 17,633sqm</li> <li>• Retail – 5,123sqm</li> </ul>
<b>Hours of Operations</b>	<p>The following hours of operation are proposed for each of the land uses:</p> <p>Residential and hotel</p> <ul style="list-style-type: none"> <li>• 24-hour concierge</li> </ul> <p>Retail, including hotel bar and restaurant</p> <ul style="list-style-type: none"> <li>• 6am to midnight</li> </ul> <p>Through-site links</p> <ul style="list-style-type: none"> <li>• Not stated</li> </ul>
<b>Access and Parking</b>	<p>Access</p> <ul style="list-style-type: none"> <li>• Removal of five driveways; and</li> <li>• New driveway from Pitt Street</li> </ul> <p>Service and Delivery Vehicles</p> <ul style="list-style-type: none"> <li>• Porte-cochere provided in basement for pick-up/drop-off and deliveries; and</li> <li>• 11 loading spaces (8 for the site, 3 for the adjoining Telstra site under an existing easement) <ul style="list-style-type: none"> <li>○ 4 loading bays for 9.25-metre-long vehicles</li> <li>○ 7 loading bays for 6.4 metres long vehicles</li> </ul> </li> </ul> <p>470 car spaces</p> <ul style="list-style-type: none"> <li>• 377 resident car spaces <ul style="list-style-type: none"> <li>○ 19 accessible spaces</li> <li>○ No resident visitor parking</li> </ul> </li> <li>• 39 retail parking spaces <ul style="list-style-type: none"> <li>○ 2 accessible spaces</li> </ul> </li> </ul>



- 37 hotel parking spaces
  - 2 accessible spaces
- 10 Telstra parking spaces
- 8 resident car share spaces
- 1 retail car share space
- 38 motorbike spaces
- 6 pick-up/drop-off spaces
- No coach parking

#### Bike Parking

- 592 resident spaces
- 18 retail spaces
- 4 hotel spaces
- 112 visitor spaces
- End of trip facilities

#### Employment

Estimated 3,090 construction jobs and 750 ongoing jobs.



**Figure 18 | Servicing basement (Source: FJMT)**



**Figure 19** | Bike parking mezzanine (Source: FJMT)



**Figure 20** | Porte cochere, retail parking and basement entry (Source: FJMT)

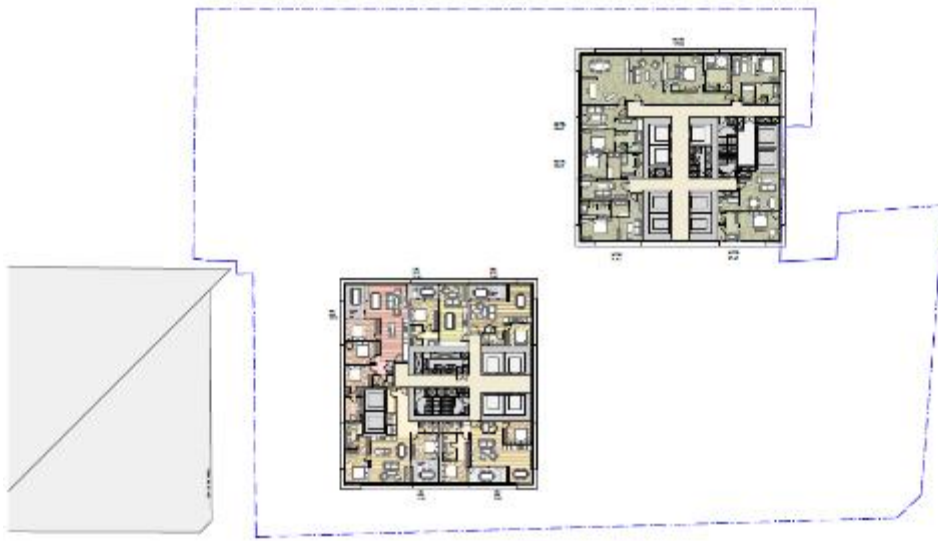


**Figure 21** | Ground floor (Source: FJMT)

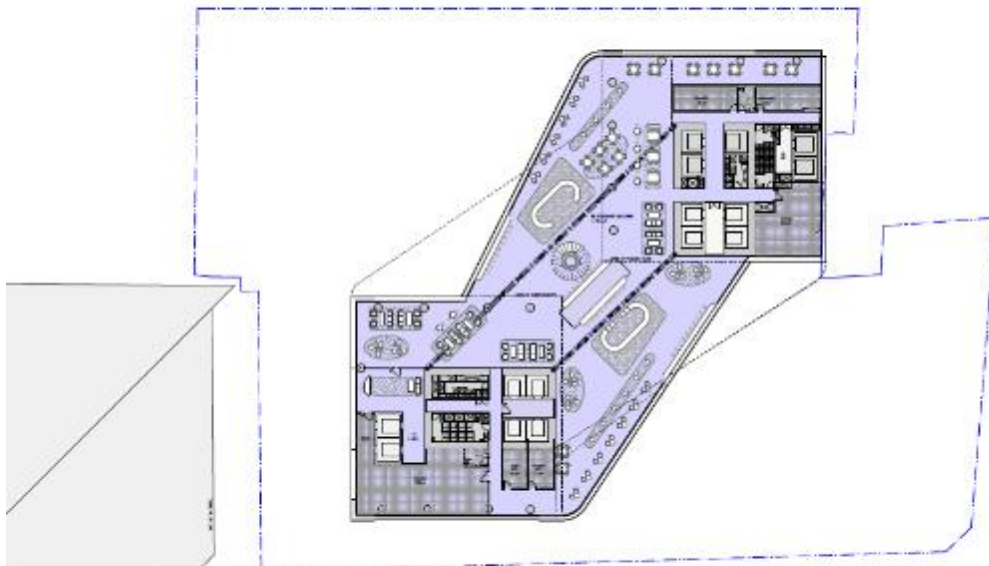


**Figure 22** | Level 4 hotel and communal residential facilities (Source: FJMT)

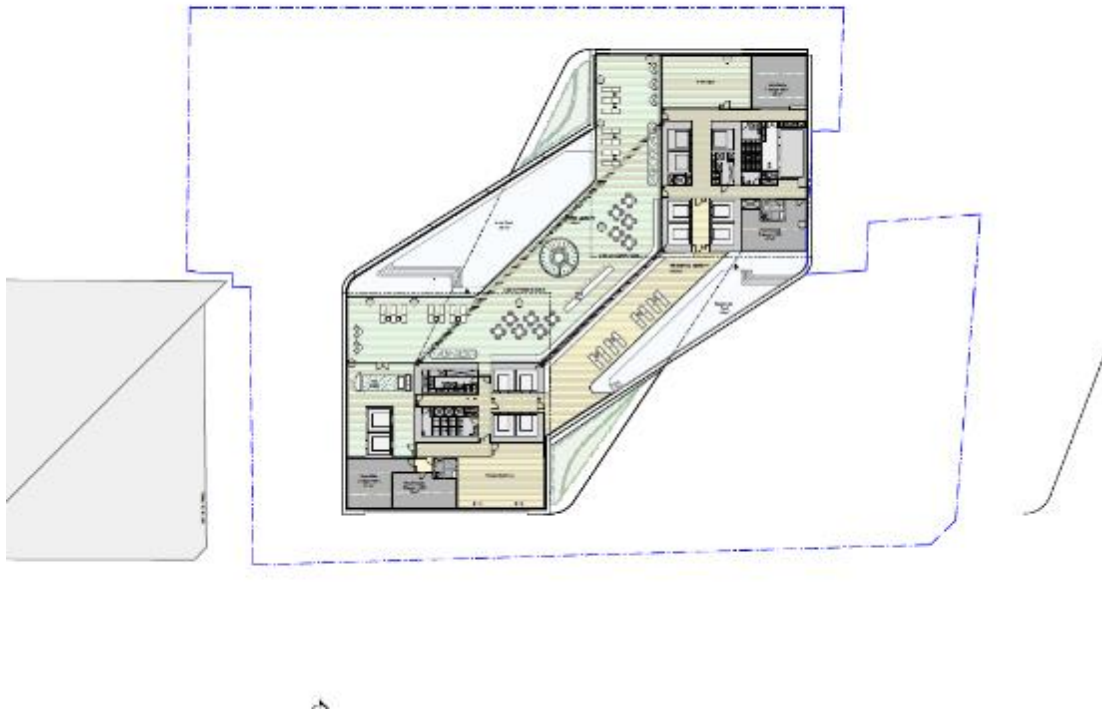




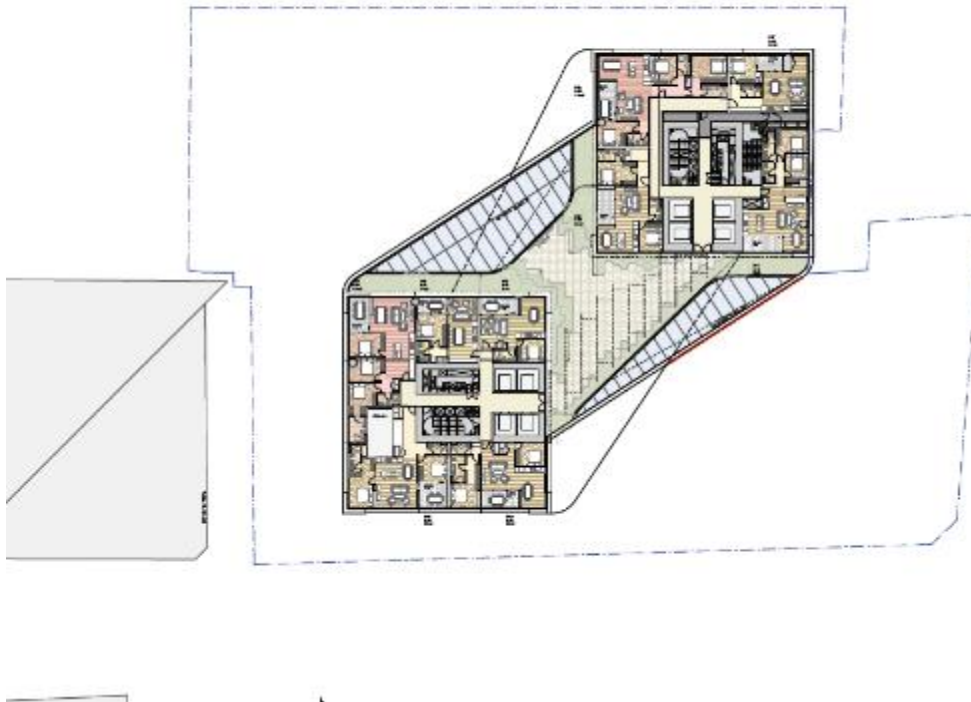
**Figure 23** | Typical tower residential and hotel floor plan (Source: FJMT)



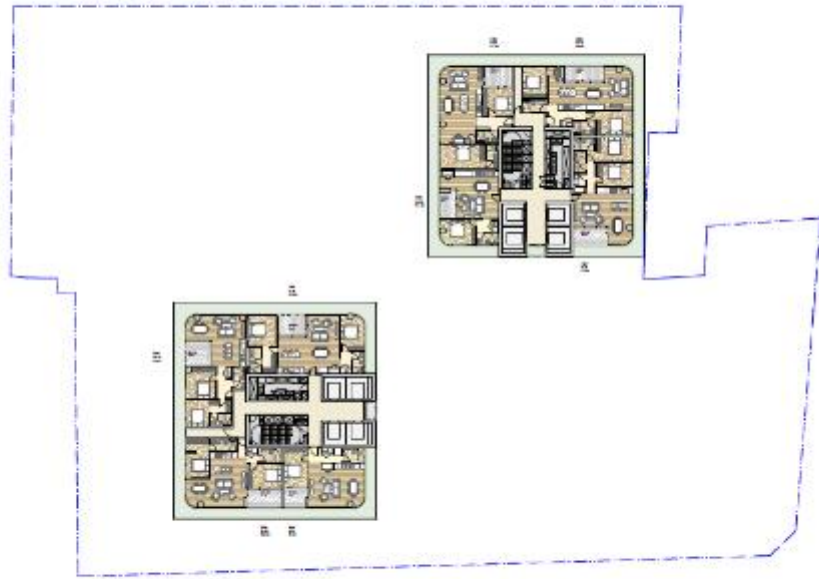
**Figure 24** | Restaurant located on the level 32 skybridge (Source: FJMT)



**Figure 25** | Level 34 hotel and residential pools (Source: FJMT)



**Figure 26** | Level 36 residential communal open space (Source: FJMT)



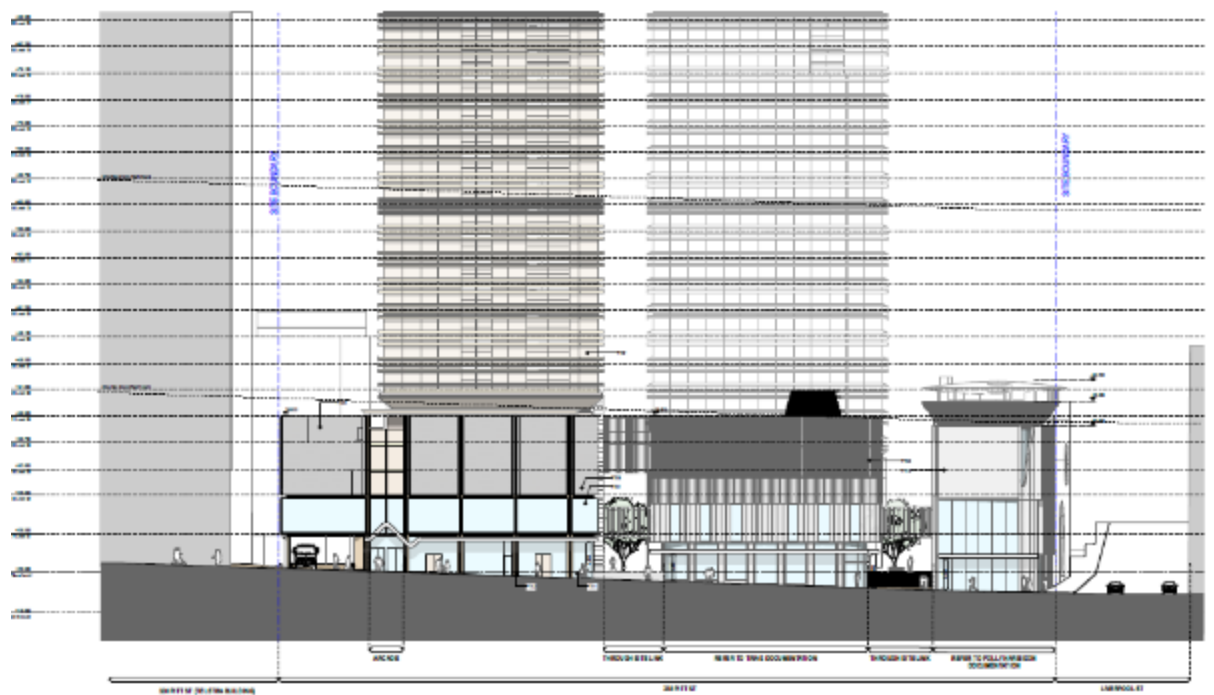
**Figure 27** | Upper tower setback on level 56 (Source: FJMT)



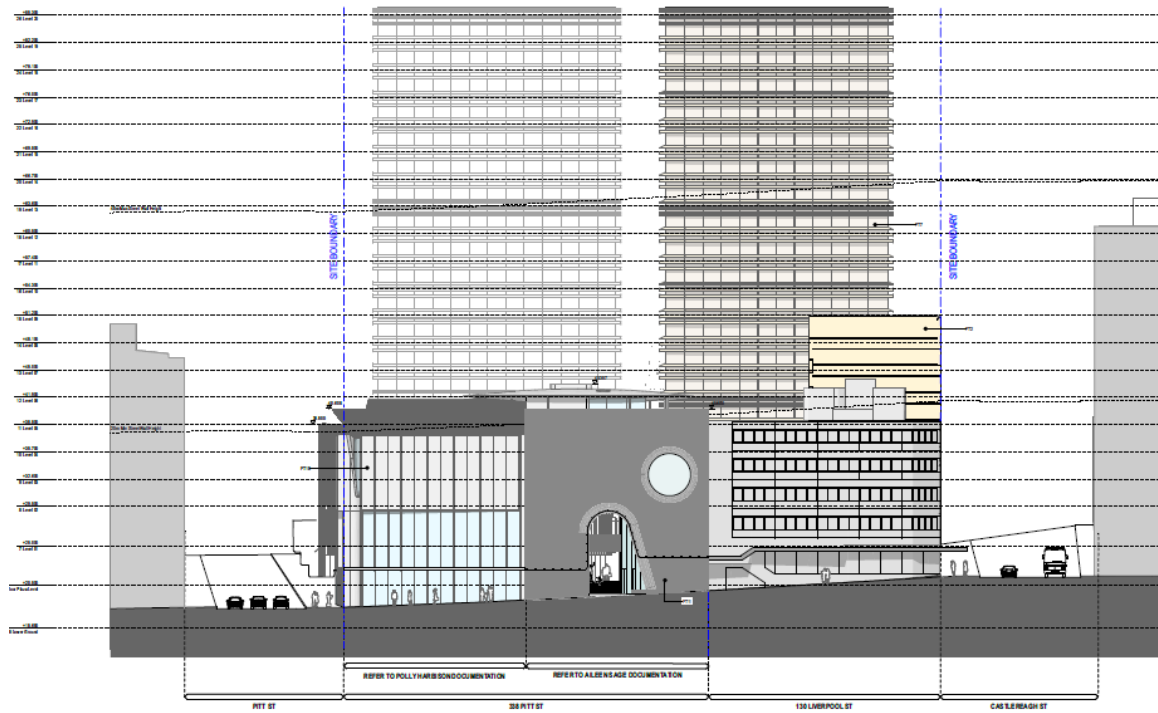
**Figure 28** | Typical upper tower level floor plan (Source: FJMT)



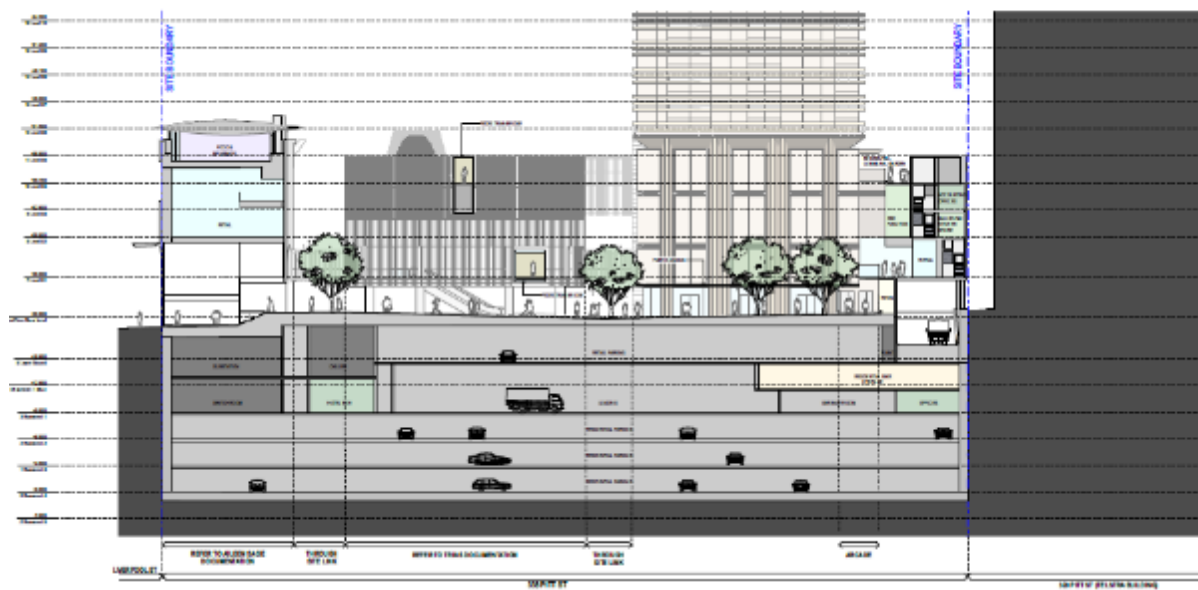
**Figure 29 |** Castlereagh Street frontage (Source: FJMT)



**Figure 30 |** Pitt Street frontage (Source: FJMT)



**Figure 31 |** Liverpool Street frontage (Source: FJMT)



**Figure 32 |** Lower level section (Source: FJMT)





**Figure 33** | A photomontage of the proposed development viewed from the corner of Oxford and College Streets (Source: FJMT).



**Figure 34** | A photomontage of the proposed development viewed from east of the Hyde Park reflection pool (Source: FJMT).

## 2.4 Timing

The indicative construction staging and timing is as follows:

Stage	Start Date	End Date	Duration
Site Preparation	January 2022	December 2022	12 months
Demolition and Excavation	January 2023	December 2023	12 months
Construction – Towers	January 2024	June 2025	18 months
Construction – Podium	January 2025	December 2025	12 months

## 3 Strategic context

### 3.1 Greater Sydney Region Plan

The Greater Sydney Region Plan (GSRP) supports a 40-year vision for a metropolis of three cities that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. The site is located within the Harbour CBD.

The EIS outlines how the development addresses the 10 Directions for the Metropolis of Three Cities. The proposal is consistent with the relevant directions and objectives of the GRSP as outlined below:

- Objective 10: “Greater housing supply” - The development adds to the City’s housing supply.
- Objective 12: “Great places that bring people together” – The development includes new through-site links and a publicly accessible square with public art. These features of the development will improve connectivity within the city and serve to bring people together.
- Objective 18: “Harbour CBD is stronger and more competitive” – The development will provide an estimated 3,090 construction jobs and 750 ongoing jobs on site, in addition to supporting surrounding businesses.
- Objective 22: “Investment and business activity in centres” – The development is located within the CBD and consistent with the objectives of the B8 – Metropolitan Centre zone.
- Objective 33: “A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change” – The development has committed to NABERS Energy 5 Stars (hotel), Section J of the NCC 2019 (hotel and retail) and complies with minimum BASIX energy targets.

### 3.2 Eastern City District Plan

The Greater Sydney Commission’s (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local Council planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney. The site is located within the Eastern City District.

The EIS outlines how the development address the relevant directions for the Eastern City district. The proposal is consistent with the relevant directions and objectives of the Eastern City District Plan as outlined below:

- Planning priority E5: “Providing housing supply, choice and affordability, with access to jobs, services and public transport” – The development adds to the City’s housing supply.
- Planning priority E6: “Creating and renewing great places and local centres and respecting the District’s heritage” – The development is based on a competition winning scheme and will activate and contribute to the character of the surrounding area. The buildings demonstrate design excellence and include new publicly accessible open space that will foster social interaction.

- Planning priority E7: “Growing investment, business opportunities and jobs in strategic centres” – The development is located within the CBD and consistent with the objectives of the B8 – Metropolitan Centre zone.
- Planning priority E19: “Reducing carbon emissions and managing energy, water and waste efficiently” – The development has committed to NABERS Energy 5 Stars (hotel), Section J of the NCC 2019 (hotel and retail) and complies with minimum BASIX energy targets. The development is able to comply with the City’s waste management policies and achieves a water efficiency target 5 points above the BASIX minimum.

## 4 Statutory Context

### 4.1 State significance

The CIV of the hotel component of the development is \$129,943,202. By virtue of Clause 12 (2) of Schedule 1 of the SRD SEPP the development is classified as State Significant Development as it comprises tourist and visitor accommodation with a CIV in excess of \$100 million. Further, in accordance with Clause 8(2) of the SRD SEPP, all parts of a single development application are also declared SSD for the purposes of the EP&A Act.

On 29 October 2019, the Minister for Planning and Public Spaces delegated authority to assess the subject application to the City. The CSPC was delegated authority to determine the application.

### 4.2 Permissibility

The site is located within the B8 – Metropolitan Centre zone under the Sydney Local Environmental Plan 2012. The application proposes the following land uses: residential flat buildings, hotel accommodation and retail premises, which are permissible in the zone with consent.

### 4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters could be summarised as:

- the provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation);
- the environmental, social and economic impacts of the development;
- the suitability of the site;
- any submissions; and
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The City has considered all of these matters in its assessment of the applications, as well as the Applicant's consideration of environmental planning instruments in its EIS for each application, as summarised in **Section 6** of this report. The City has also considered the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix B**.

### 4.4 Central Sydney Planning Strategy

The Planning Proposal: Central Sydney 2020 progresses key aims and objectives of the City of Sydney's Draft Central Sydney Planning Strategy. This will be achieved by a range of amendments to the Sydney LEP 2012.

The Planning Proposal was exhibited between 1 May 2020 and 10 July 2020, and must be given weight in the assessment of the proposed development as there is now greater certainty and imminence in relation to its full gazettal.

#### **4.3.1 Floor Space Ratio**

The Planning Proposal seeks to remove residential accommodation from the list of uses eligible for additional floor space under clause 6.4 of the Sydney LEP 2012. As such, the development would be permitted a maximum floor space ratio of 9.51:1 or 57,925sqm of gross floor area. The application proposes a floor space ratio of 13.92:1 or 84,717sqm of gross floor area.

While the new controls would preclude the proposed development, it would be unreasonable to refuse the subject application. The development complies with the current controls and follows a concept approval and competitive design process. Furthermore, the application was submitted prior to the exhibition of the draft EPI and its mandatory consideration under Section 4.15(1)(a)(ii) of the Act.

#### **4.3.2 Sun Access Planes**

The Planning Proposal includes amendments to sun protection ('sun access plans' and 'no additional overshadowing') controls, adding an additional objective to Clause 6.17(1) of the Sydney LEP 2012 as follows:

- to protect and improve sunlight to important public parks and places within and near Central Sydney throughout the year, and during periods in the day when they are most used.

Clauses 6.17(5) to 6.17(19) are also proposed to be amended to add new sun access planes, including one to protect Harmony Park at all times of the year between 10.00am and 2.00pm, as depicted in **Figure 55**. If adopted, these controls will prohibit new development creating additional overshadowing of Harmony Park. Further discussion is provided under **Section 6**.

### **4.5 Biodiversity Development Assessment Report**

In accordance with the *Biodiversity Conservation Act 2016*, an assessment of any SSD's biodiversity impacts must be undertaken as part of the provision of any SSD DA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required. An application was lodged on 4 November 2019 requesting that the Department, in consultation with Environment, Energy & Science Group, waive the requirement to prepare a BDAR on the grounds of the development being unlikely to impact biodiversity values in accordance with Clause 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*. A waiver was issued on 2 December 2019 under the delegation of the OEH Senior Executive.



## 5 Engagement

### 5.1 City's engagement

In accordance with Schedule 1 of the EP&A Act and the City's Community Participation Plan, the City publicly exhibited the D/2020/610 (SSD 10362) for 28 days from 20 July to 17 August 2020 and D/2016/1509/A for 14 days from 15 July to 30 July 2020. The applications were made publicly available on the City's and Department's websites.

The City placed a public exhibition notice in the Sydney Morning Herald and notified adjoining and surrounding landowners, the Department and relevant Government agencies in writing. All notification and public participation statutory obligations have been satisfied.

The City has considered the comments raised by Government agencies and in public submissions during the assessment of the applications (see Section 6).

### 5.2 Summary of submissions

#### Detailed design SSDA (D/2020/610, SSD 10362)

The City received 17 submissions in response to the detailed design SSDA. The submissions comprised of:

- 7 submissions from Government agencies; and
- 10 submissions from the public.

Out of the 10 public submissions, 9 raised objections and 1 was in support. No objections were raised by Government agencies subject to providing additional information or conditions of consent. Submissions received from the public were generally located within 5km of the application site or written on behalf of those that reside or work within 5km of the site.

**Table 2 | Summary of Agency Submissions**

Submitter	Position
<b>Government Agencies</b>	
Sydney Metro	<p>The following information is required to be submitted for review prior to determination:</p> <ul style="list-style-type: none"><li>• Foundation design and associated engineering assessments to ensure that the development meets the requirements of Sydney Metro Underground Corridor Protection Guidelines; and</li></ul>

- The Rail Corridor Impact Study must be updated to correctly reference and assess the five levels of basement proposed

Transport for NSW	<p>The following additional information is requested as part of any conditions of consent:</p> <ul style="list-style-type: none"> <li>• A Transport Access Guide;</li> <li>• Green Travel Plan;</li> <li>• Loading and Servicing Management Plan;</li> <li>• Passenger Pick-Up and Set-Down Management Plan; and</li> <li>• Construction Pedestrian and Traffic Management Plan.</li> </ul> <p>The developer is also required to consider the impact on Castlereagh Street and the future cycleway from any changes to Dungate Lane.</p>
Sydney Airport	<p>The following conditions are recommended as part of any consent:</p> <ul style="list-style-type: none"> <li>• The building must not exceed 281.85 metres AHD;</li> <li>• The building must be obstacle lit; and</li> <li>• Separate approval is required for cranes</li> </ul>
Sydney Water	Standard advice was provided regarding water and wastewater servicing and stormwater.
Ausgrid	Standard advice was provided regarding underground cables.
Heritage NSW x2	<p>The following additional information regarding Aboriginal cultural heritage:</p> <ul style="list-style-type: none"> <li>• A separate Aboriginal cultural heritage research design and excavation methodology including a list of recommended inclusions; and</li> <li>• The methodology and induction must be formulated in consultation with registered Aboriginal parties.</li> </ul> <p>With regards to potential archaeology, a condition is recommended to manage any unexpected finds.</p>

#### Concept modification application (D/2016/1509/A)

The City received 11 submissions in response to the concept modification application. The submissions comprised of:

- 4 submissions from Government agencies; and

- 7 submissions from the public (2 submissions are duplicates of those submitted to the detailed design application).

All 7 submissions raised objections to the application. No objections were raised by Government agencies subject to providing additional information, or conditions of consent.

**Table 3 | Summary of Agency Submissions**

Submitter	Position
<b>Government Agencies</b>	
Sydney Metro	The request for further information was generally consistent with that for the detailed design application.
Transport for NSW	No further comments were provided on the proposed modification.
Sydney Water	The advice was generally consistent with that for the detailed design application.
Ausgrid	The advice was generally consistent with that for the detailed design application.

### 5.3 Key issues raised in submissions

**Table 4 | Summary of Public Submissions**

Issue	Number of times mentioned
<b>Traffic and Parking</b>	4
<b>Remediation (insufficient information)</b>	3
<b>Height</b>	3
<b>Bulk and Scale</b>	3
<b>Wind Impacts</b>	2
<b>Accessible Parking</b>	2
<b>Overshadowing</b>	2
<b>Visual Impact</b>	1
<b>Noise</b>	1
<b>View Loss (documentation)</b>	1
<b>Impact on Metro Tunnel</b>	1

<b>Compatibility with surrounding area</b>	1
<b>Biodiversity</b>	1
<b>Vehicle Access</b>	1
<b>Easements for Access and Parking benefiting 320 Pitt Street</b>	1
<b>Inconsistency with concept approval</b>	1
<b>Inconsistency with City's Competitive Design Policy</b>	1
<b>Acid Sulphate Soils (insufficient information)</b>	1
<b>Geotechnical Constraints (insufficient information)</b>	1
<b>Construction Noise</b>	1
<b>Archaeology (insufficient information)</b>	1

## 5.4 Key issues raised by City staff

On 15 September 2020, the City requested amended plans and additional information. A further request for amendments specifically regarding the podium buildings, following a meeting with the Design Advisory Panel (see **Section 6.1.2** below) was made on 24 September 2020.

The following comments and recommendations were made to be addressed as part of any RtS:

### Urban Design

- The skybridge is to be reduced in bulk and maintain the external corners of the towers;
- The corner treatments of the towers are to be rationalised to provide a simple, elegant form;
- Awnings are to be consistent with Section 3.2.3 of the Sydney DCP 2012 and better relate to each individual podium building;
- Provide further information on glazing;
- Protect communal and public spaces from falling objects; and
- Consistent with the recommendations of the Competition Design Panel, the height of the connecting bridges between podium buildings should be reduced so that they read as light weight single level connections between separate buildings.

### Amenity

- The plans are to be updated to incorporate the recommendations of the wind report, in particular mitigating wind on the skybridge and hotel podium roof tops;

- Further information is required regarding the amenity of apartments located below the skybridge (solar access, outlook etc);
- The apartments adjacent to the communal open space on the skybridge is recommended to be converted to communal rooms/spaces;
- Additional sun shading is recommended for the east and west elevations of the building; and
- Further information is required regarding non-compliance with minimum recommended lift provisions under the ADG.

### **Transport and Traffic**

- Investigate minimising the provision of parking on site due to the central and accessible site location;
- Further information is required regarding the provision of car parking for Telstra on an adjoining site and compliance with the City's car parking controls;
- Additional service spaces are required to comply with the Sydney DCP 2012;
- Investigate providing a "super loading dock" facility for use by adjoining sites;
- Accessible parking spaces are required for each adaptable unit within the development;
- The provision of retail car parking is unjustified given the non-compliant provision of servicing and accessible spaces, and should be reallocated accordingly; and
- The driveway cross over is to be reduced in size and setback from the side boundary in accordance with Section 3.11.11 of the Sydney DCP 2012.

### **Remediation**

- A Detailed Environmental Site Investigation is required as recommended in the Preliminary Environmental Site Investigation. Where necessary, a Site Auditor is to review the recommendations of any DESI and Remediation Action Plan.

### **Flooding and water quality**

- Further information is required to demonstrate that the development complies with the City's Interim Floodplain Management Policy; and
- Stormwater plans are required to be tested against the City's MUSIC Link to minimise nutrient and pollutant runoff in compliance with Section 3.7 of the Sydney DCP 2012.

### **Public Domain**

- Public Domain alignment levels are required to be submitted prior to determination; and
- A Public Domain Report has been supplied. This report solely addresses works occurring in the courtyard, which is publicly accessible private space. A diagram is to be submitted outlining the area of works proposed within the Public Domain (i.e. outside the property boundary). Works area may include works to roadways, laneways & footways.

## **5.5 Response to submissions**

The applicant provided a RtS report on 23 December 2020 addressing submissions from government authorities, the public and the matters raised by the City under **Section 5.4**. The report and its

attachments were advertised from 11 January to 25 January 2021. Two objections were received from the public and are addressed within **Section 6**.

The applicant has provided the following response to the City's request:

**Table 5 | Applicant's Response to City's Request for Amended Plans**

Issue	Applicant's response
<b>Street awning design</b>	<p>The awning designs have been revised with individual awnings to each of the podium buildings on Liverpool and Pitt Streets, designed by the respective architect for each building.</p> <p>Awnings have not been proposed on Castlereagh Street due to the predominant street character and compliance with the City of Sydney DCP Street Awnings and Colonnades map.</p>
<b>Castlereagh Street façade</b>	<p>The central building height has been reduced to create greater variation to the Castlereagh Street elevation. This variation is consistent with the general variation along Castlereagh Street and has been combined with facade changes to create further variation. Analysis of sun access to the courtyard in cooler months indicates that the Telstra exchange to the north and the height of buildings on the east side of Castlereagh Streets are the critical factors in achieving daylight access.</p>
<b>Façade materiality</b>	<p>Clarification has been provided of the predominant use of sandstone with minor areas of precast or GRC for sills where more durability is required.</p> <p>A number of adjustments have been made: A refinement of the facade expression to increase solidity and variation, additional bronze screening elements to create greater solidity within the podium and further articulation of the attic story to improve proportions and variety.</p>
<b>Falling objects</b>	<p>An analysis of the behaviour of objects falling from the tower is that the best form of protection is to arrest these objects at a high level, from the balconies / windows. A 3 metre awning will offer limited protection for objects falling from heights up to 260 metres depending on the trajectory of the objects and any wind conditions around the towers. The facade design has been configured to catch any falling objects in areas where openings occur.</p>



**Podium level bridges**

Generally, the bridges have been designed as lightweight single level connections. The hotel bridges which need to connect multiple levels have been reconfigured so that the lower level portion is offset and the uppermost floor is open. The design of these bridges is a thin slab with clear minimal glass so that the slabs themselves (and the people using them) are the primary expression. Spa and Garden terrace access bridge has been offset to assist will reducing the bulk of hotel room access bridges.

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**Wind impacts**

The elements identified in the wind report have been included in the design. The Wind Report has been updated.

A glazed roof structure has been added to the skybridge. This in conjunction with the detailed landscape design and vertical screening of the skybridge currently shown will address wind comfort conditions. The Wind Report will be updated to reflect these measures.

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**Skybridge**

The most efficient structural form of the bridge is an 'I-beam' form where the width of the bridge is the diaphragm and is approximately equal to the width of the tower floor plate. The design of the bridge has been reviewed in response to this DAP comment to reduce the width within these constraints. Further comments and explanation has been provided by the structural engineer outlining the structural parameters. Separation between the communal open space at top the sky bridge and the apartments is achieved with landscape screening and solid facades to the corners of the tower.

The width of the skybridge has been adjusted. The development comfortably exceeds the ADG minimum requirements for sun access to residential apartments. The spaces immediately below the skybridge have been replaced by plant areas. The apartments beneath the skybridge will still receive sun and have high levels of amenity through spectacular outlook and high levels of natural light. The apartments on level 36 have privacy separation from the communal area through landscape treatment and grade changes.

The articulation of the towers is a distillation of structural requirements, functional expression, social identification and compositional considerations such as relationship to

the city scale, proportions, and the anthropomorphic relationship of the two towers. The upper level articulation is an important element in all of these considerations.

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**Façade orientation**

The tower facade has been further developed to provide a flexible modular system where the facade can be more open where sun access and solar control permit, to allow greater sun access to living spaces on the east and west to guarantee minimum ADG sun access requirements, and to provide greater shading to bedrooms and other spaces. This system will be applied to the tower to eliminate any requirement for dark glass in habitable rooms in apartments whilst maintaining ADG compliance and access to views.

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## 6 Assessment

The City has considered the proposal, the issues raised in submissions and the Applicant's RtS. The City considers the key issues with the proposal are:

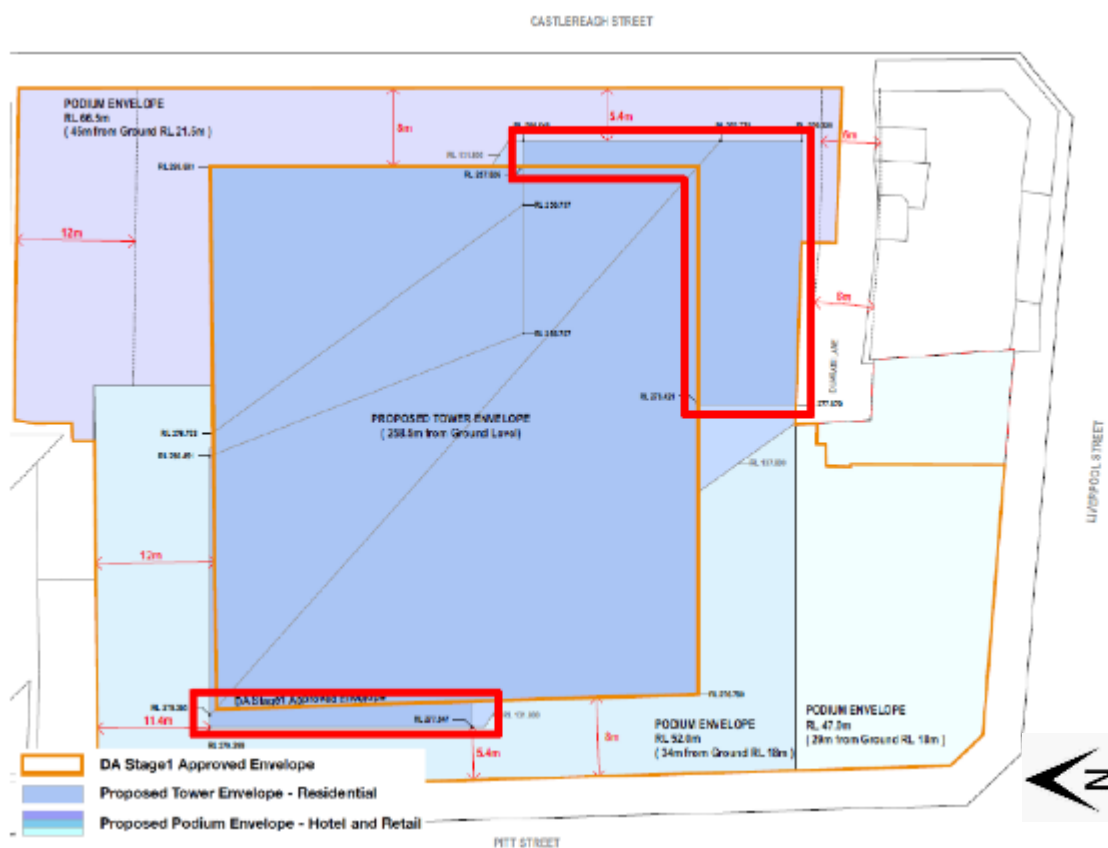
- Modifications to the concept building envelope;
- Design excellence and sustainability; and
- Remediation

Each of these issues are discussed in the following sections of this report. Other issues considering during the assessment of the applications are addressed in **Section 6.4**.

### 6.1 Modifications to the concept building envelope

#### 6.1.1 Street frontage heights and setbacks

The detailed design expands the concept envelope to the northeast and southwest corners of the site to accommodate the twin tower design. This will reduce the tower setbacks to Pitt and Castlereagh Streets, in part, from 8 metres to 5.4 metres. The envelope will also extend up to the boundary of Dungate Lane and partially reduce the setback to the northern boundary from 12 metres to 11.4 metres.



**Figure 35** | The area outlined in orange is the extent of the approved concept building envelope.

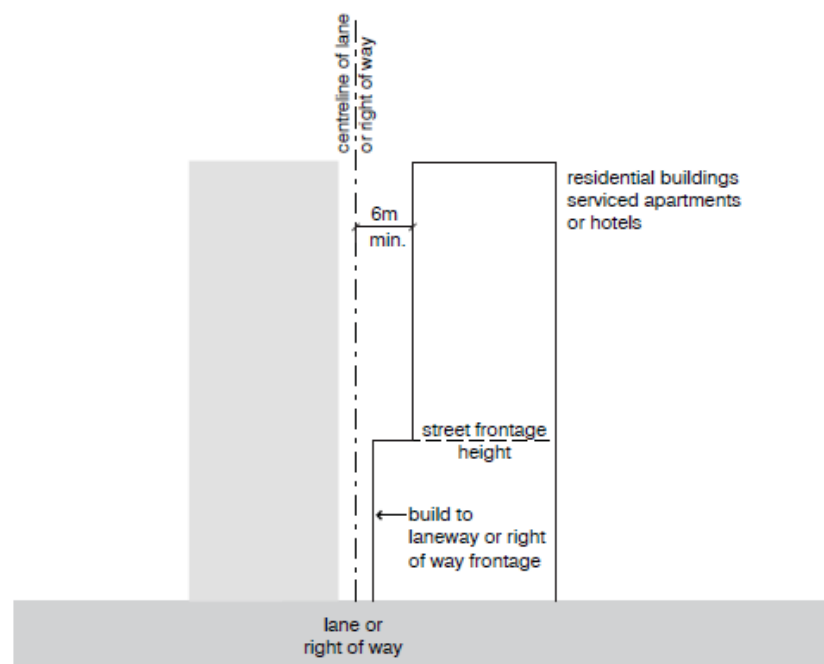


**Figure 36 |** Comparison between the outline of the approved concept envelope and proposed detailed design (Source: Virtual Ideas).

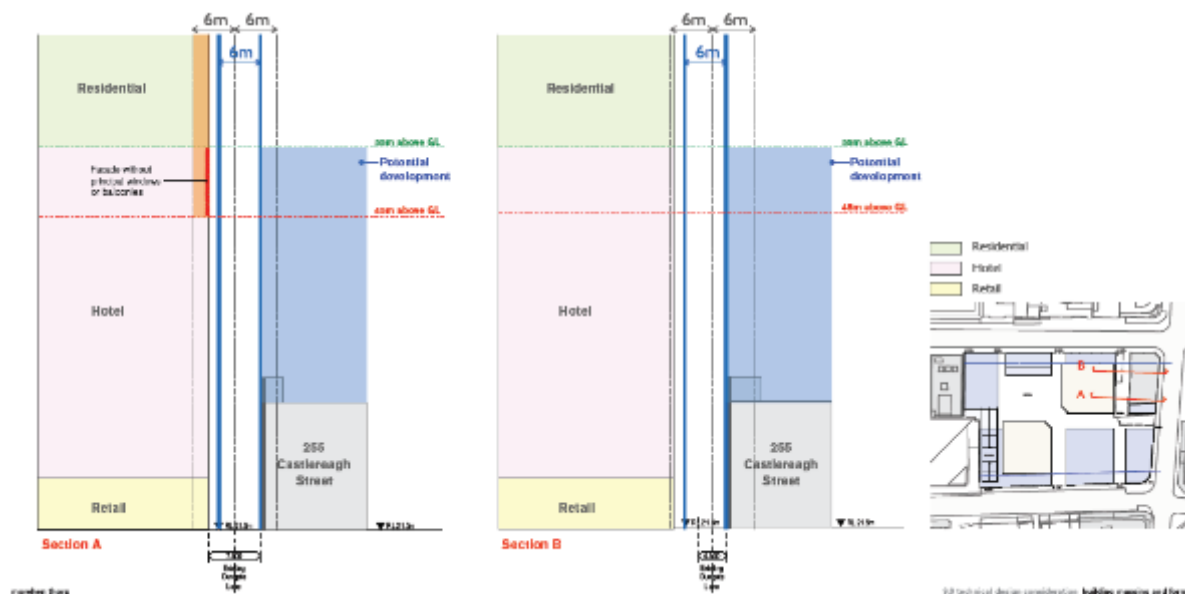
Section 5.1.2.1(1) of the Sydney DCP 2012 recommends a minimum weighted setback above the podium of 8 metres to road frontages, and no less than 6 metres. Section 5.1.2.3 recommends setbacks to lanes above the podium be a minimum 6 metres, measured from the centre of the lane.

**Figure 5.10**

This section shows the setback for principal windows or balconies of residential buildings, serviced apartments and hotels adjoining lanes



**Figure 37 |** Figure 5.10 from the Sydney DCP 2012, illustrating the minimum setback to lanes above the podium.



**Figure 38 |** The southwest tower has been designed to mitigate potential adverse privacy impacts in the event that 255 Castlereagh Street is developed for residential accommodation in future.

The development as amended does not comply with the minimum recommended setbacks.

In accordance with Section 1.1 of the Sydney DCP 2012, any variation to a prescriptive control must be justified in accordance with the objectives of the control and not result adverse impacts to neighbouring properties. The objectives of the setback controls are as follows:

1. Enhance amenity in terms of daylight, outlook, view sharing, ventilation, wind mitigation and privacy in residential buildings and serviced apartments; and
2. Enhance the quality of the public domain in terms of wind mitigation and daylight access.

In regard to point 1, the development will provide a good standard of amenity for residents of the towers in accordance with the relevant provisions of the ADG (see **Appendices** for further discussion).

In regard to point 2, wind tunnel testing has been undertaken and demonstrates that the non-compliant setbacks will not adversely impact the amenity of the surrounding streets. The report recommends awnings/canopies to the footpath to accommodate outdoor dining to meet the City's sitting comfort criteria. As discussed further below, awnings are recommended to the Castlereagh Street elevations accordingly.



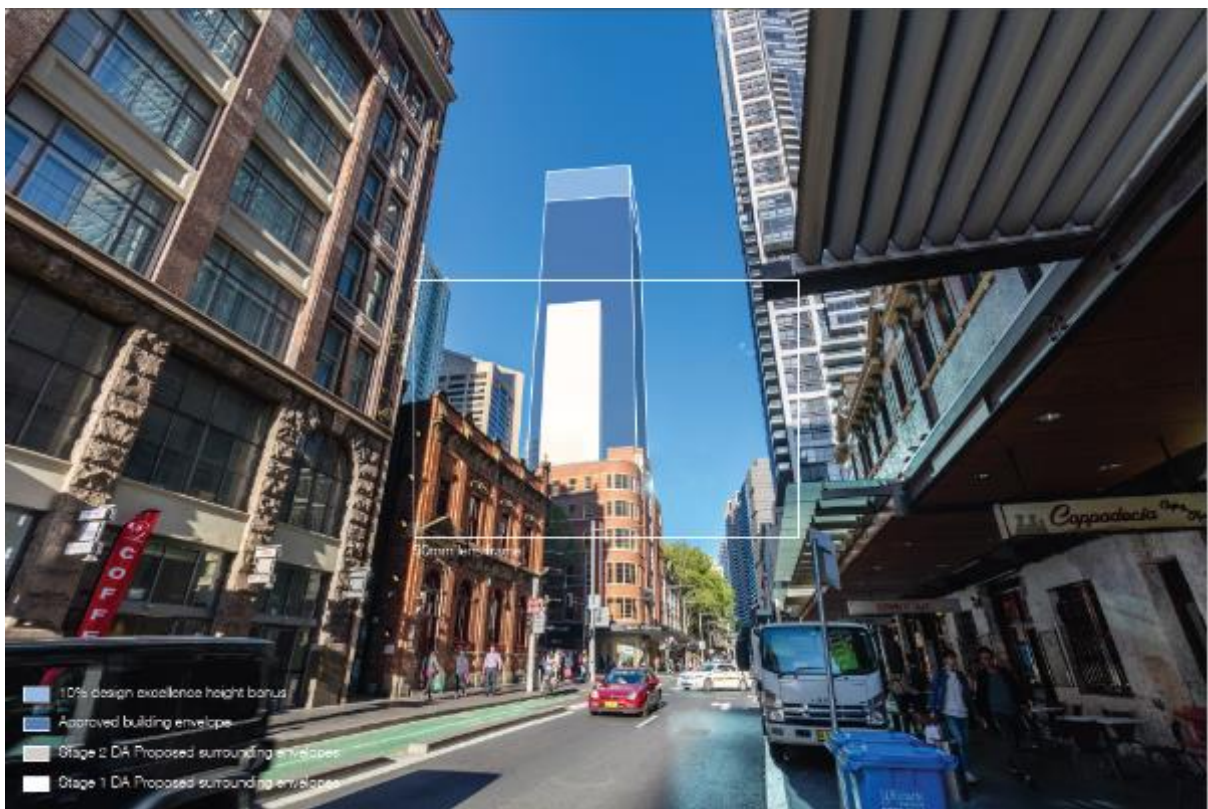
**Figure 39** | Wind tunnel testing has demonstrated that the detailed design development application will achieve the pedestrian standard comfort criteria for the public domain, including Dungate Lane. City staff recommend awnings to Castlereagh Street to provide sufficient protection for outdoor dining (Source: CPP, Appendix CC of EIS).

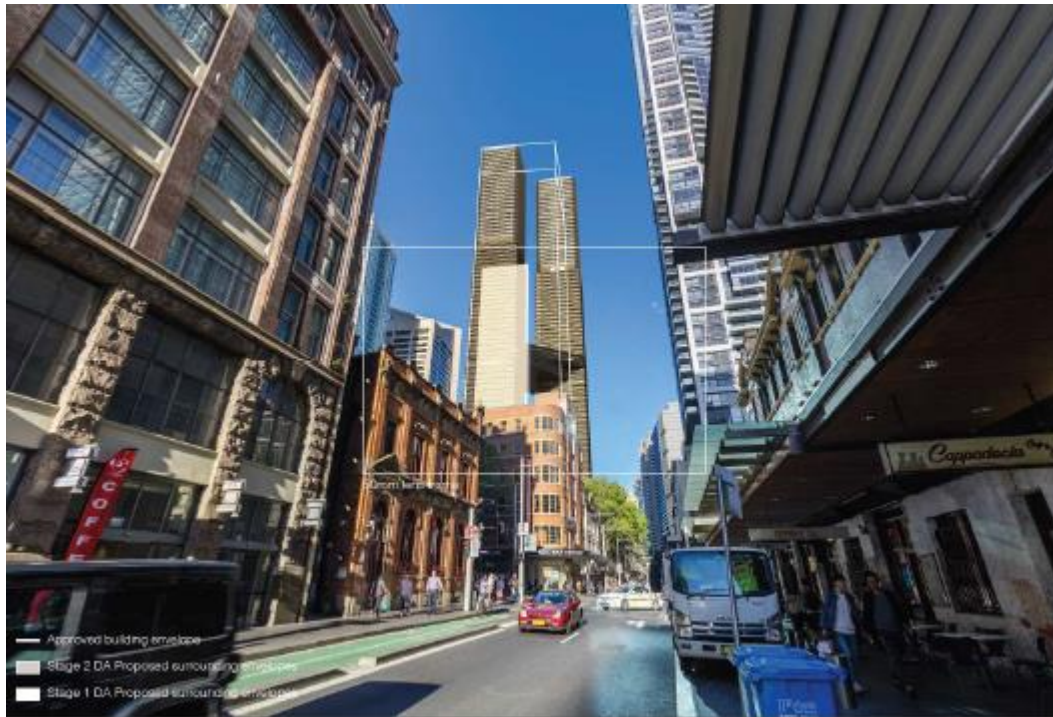
The slim tower profiles allow for greater daylight penetration to the streets below and extend the finer scale of the built form within the City's skyline by reducing the mass resulting from a single tower allowing the public realm to be largely open to the sky. It is noted that there are no consistent upper level setbacks on this block to both Castlereagh and Pitt Streets, whilst the slim tower profile allows for a better distribution of mass across the site and in relation to neighbouring properties.

The twin-tower form provides substantial setbacks on the northeast and southwest corners of the site, redistributing the bulk of the development and providing relief in built form in these locations. However, it is recognised that these non-compliances are acceptable specifically with regard to the detailed design application. It is therefore prudent to require the concept envelope to be reduced in scale to better reflect the bulk of the detailed design and offset these non-compliances. A condition of consent is recommended requiring the concept envelope be amended in plan form to reflect the approved outline of the towers and skybridge, thereby reducing the overall bulk of the concept envelope.







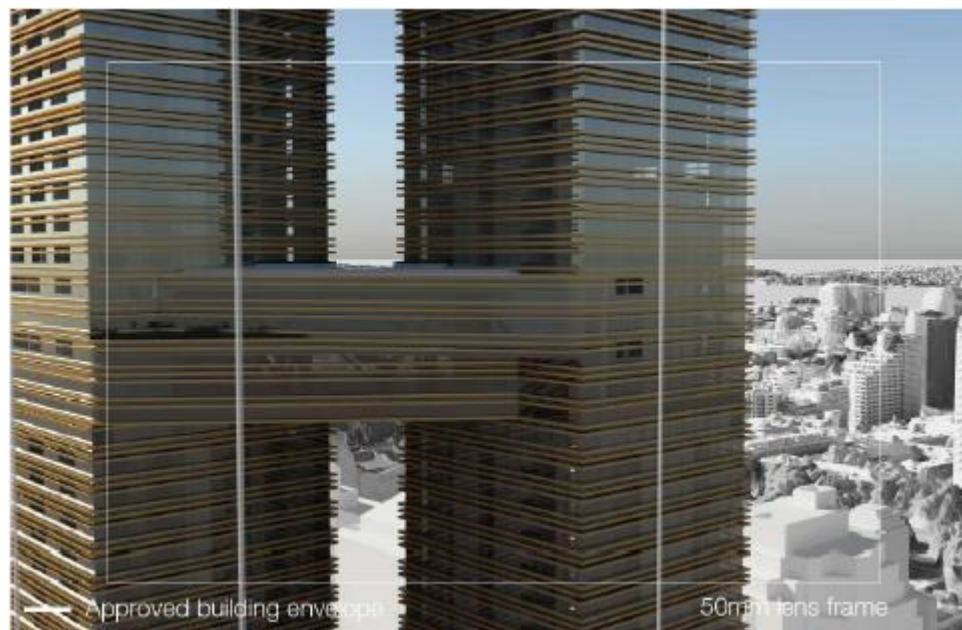


**Figure 41, Figure 42 and Figure 43 |** An existing (above), approved (middle) and proposed (below) view of the site from the intersection of Kent and Liverpool Streets (Source: Virtual Ideas).

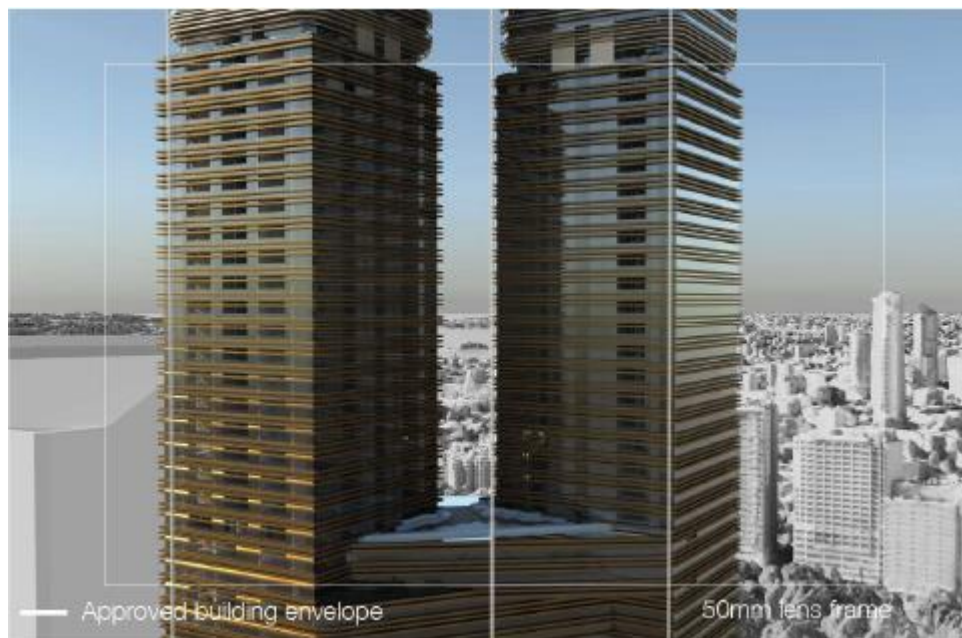
A view loss assessment was undertaken during the assessment of the concept application in accordance with the planning principle established under *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (*Tenacity*), and found that there were devastating view losses to apartments within the Hordern Towers and World Square, to the southwest of the site.

The additional bulk to the southwest corner, being inconsistent with setback controls, will further reduce views of Port Jackson and Hyde Park from these apartments. However, the separation between the towers will provide views of both the water and shoreline (considered highly valuable under *Tenacity*) from those apartments with World Square, lessening the overall impact of the development. The development will also improve solar access as a result of the two tower design.





**Figure 44 and Figure 45 |** The approved (concept) and proposed (detailed design) impacts to view loss from a centrally located apartment on level 48 of the Horden Towers (Source: Virtual Ideas).



**Figure 46 and Figure 47 |** The approved (concept) and proposed (detailed design) impacts to view loss from a northeast apartment on level 59 of World Square (Source: Virtual Ideas).

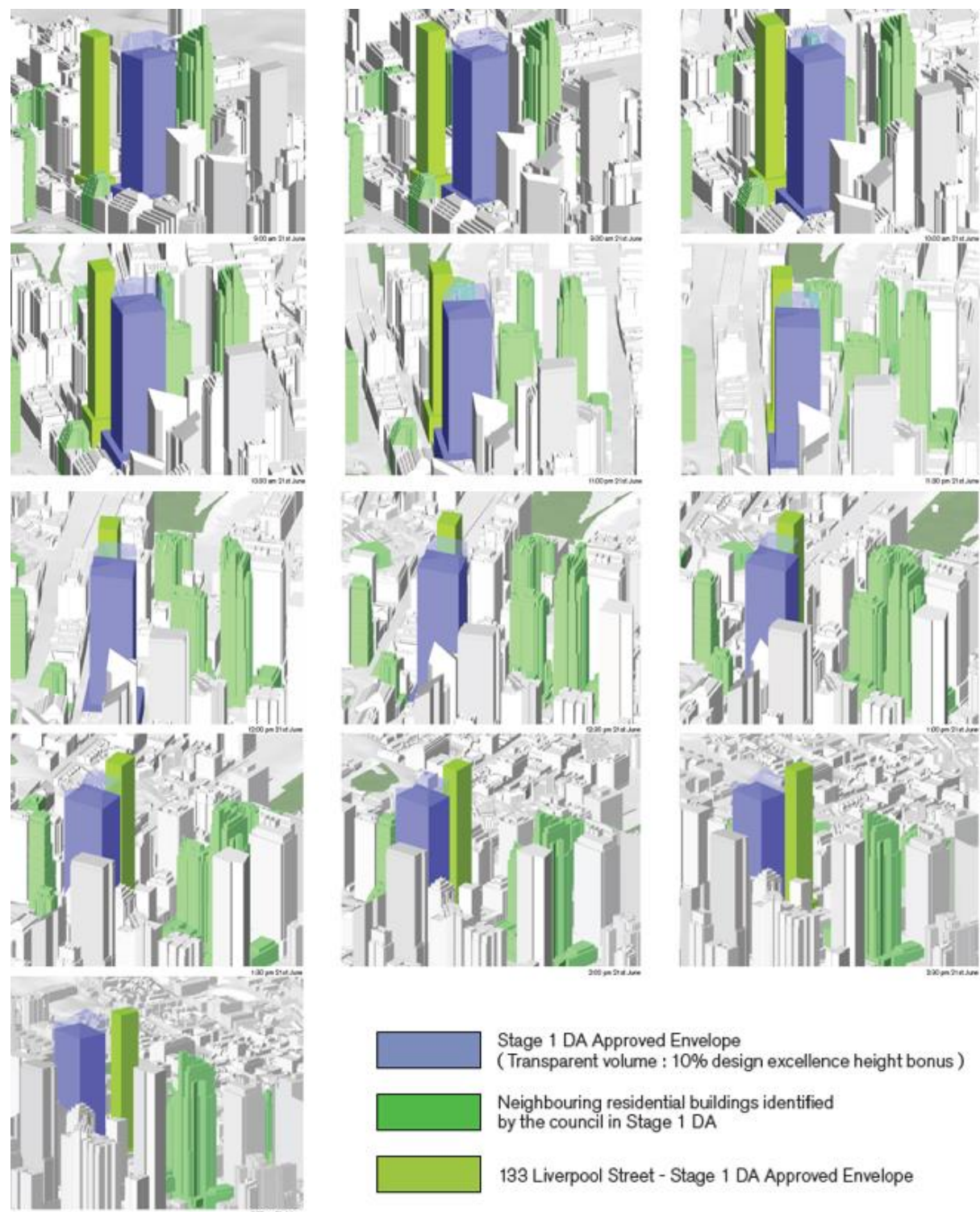
It is noted that no submissions were received from residents of these apartment buildings raising view loss.

As such, the proposal is considered to have an acceptable view loss impact.

### 6.1.3 Overshadowing of neighbouring properties

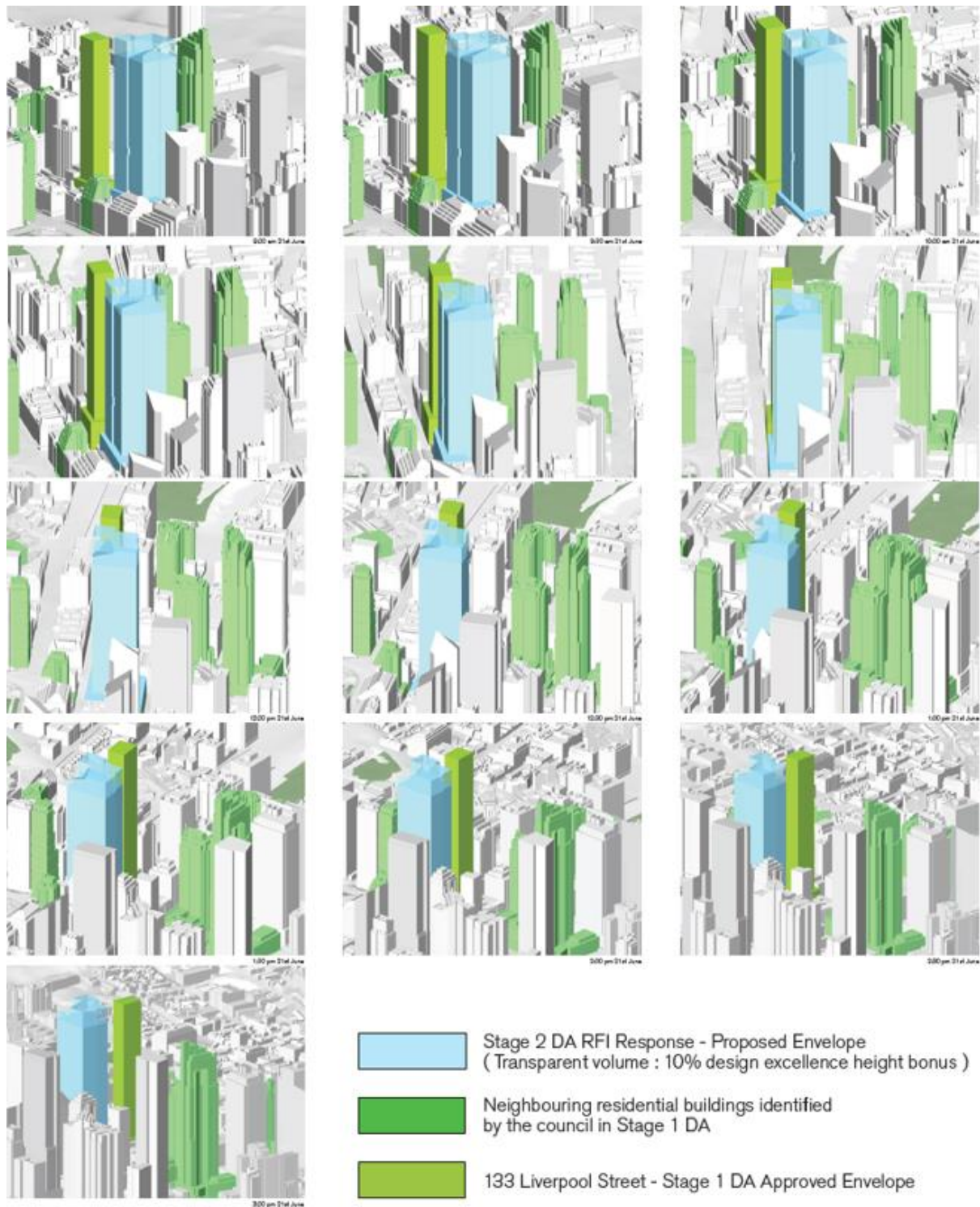
Submissions were received during the first round of public exhibition and following the Response to Submissions, raising concerns that the expanded concept building envelope would adversely overshadow an adjacent concept approval at 133 Liverpool Street (D/2018/1144). The indicative

scheme accompanying that application demonstrated that 81% of apartments could receive a minimum two hours solar access during midwinter.

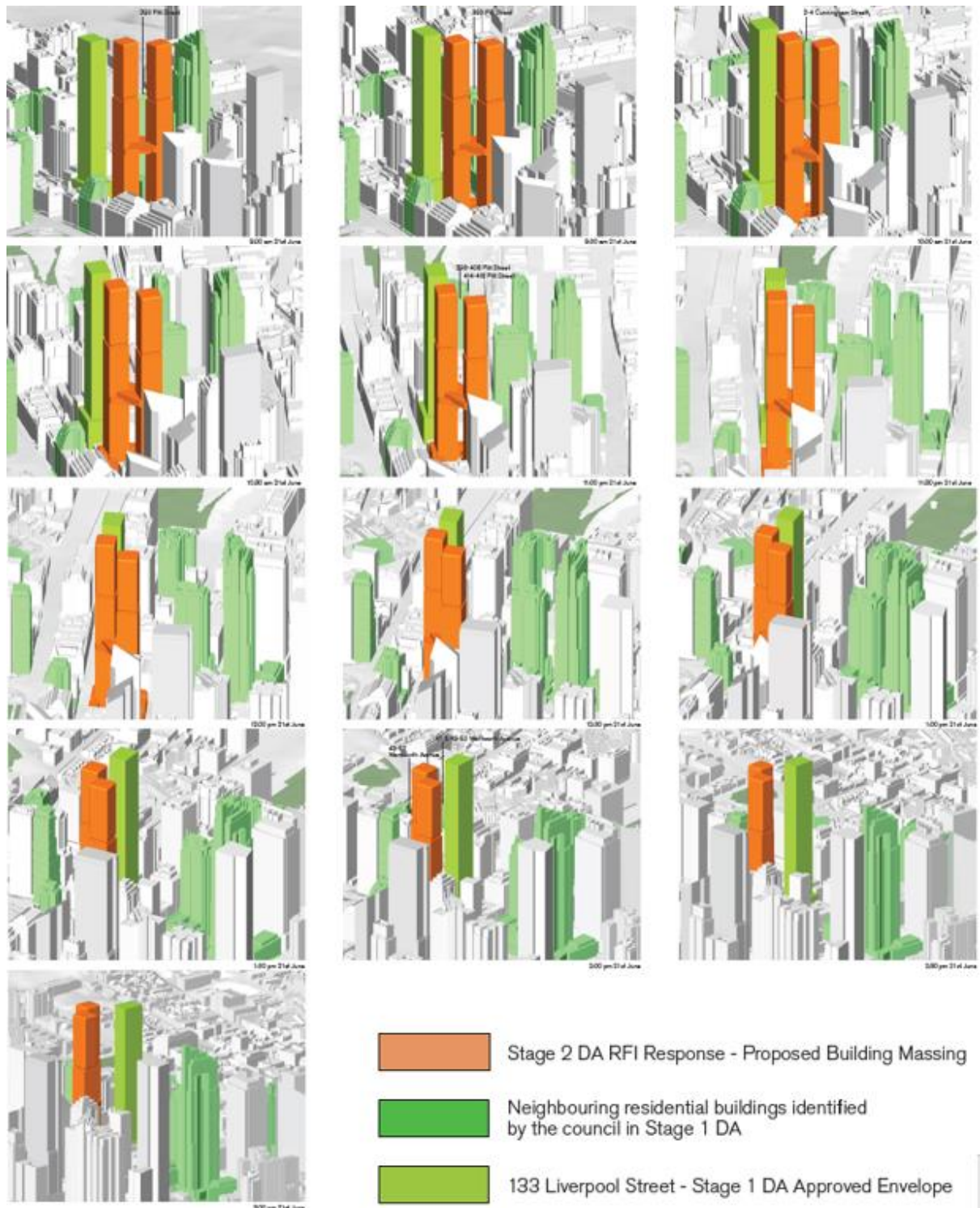


**Figure 48** | A sun's eye view diagram of the **approved** building envelope between 9am and 3pm midwinter (Source: Candalepas Associates).

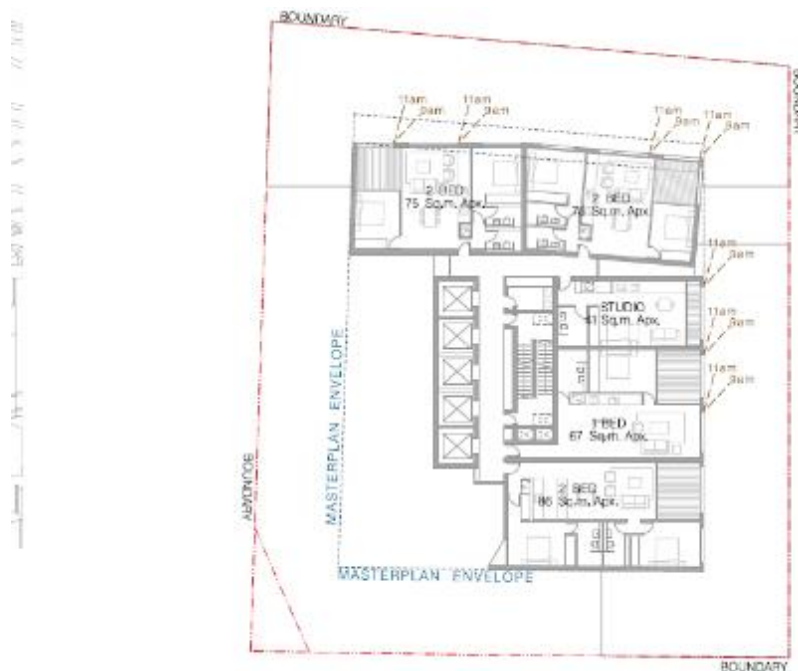




**Figure 49** | A sun's eye view diagram of the **proposed** building envelope between 9am and 3pm midwinter (Source: FJMT).



**Figure 50** | A sun's eye view diagram of the **proposed** building envelope between 9am and 3pm midwinter (Source: FJMT).



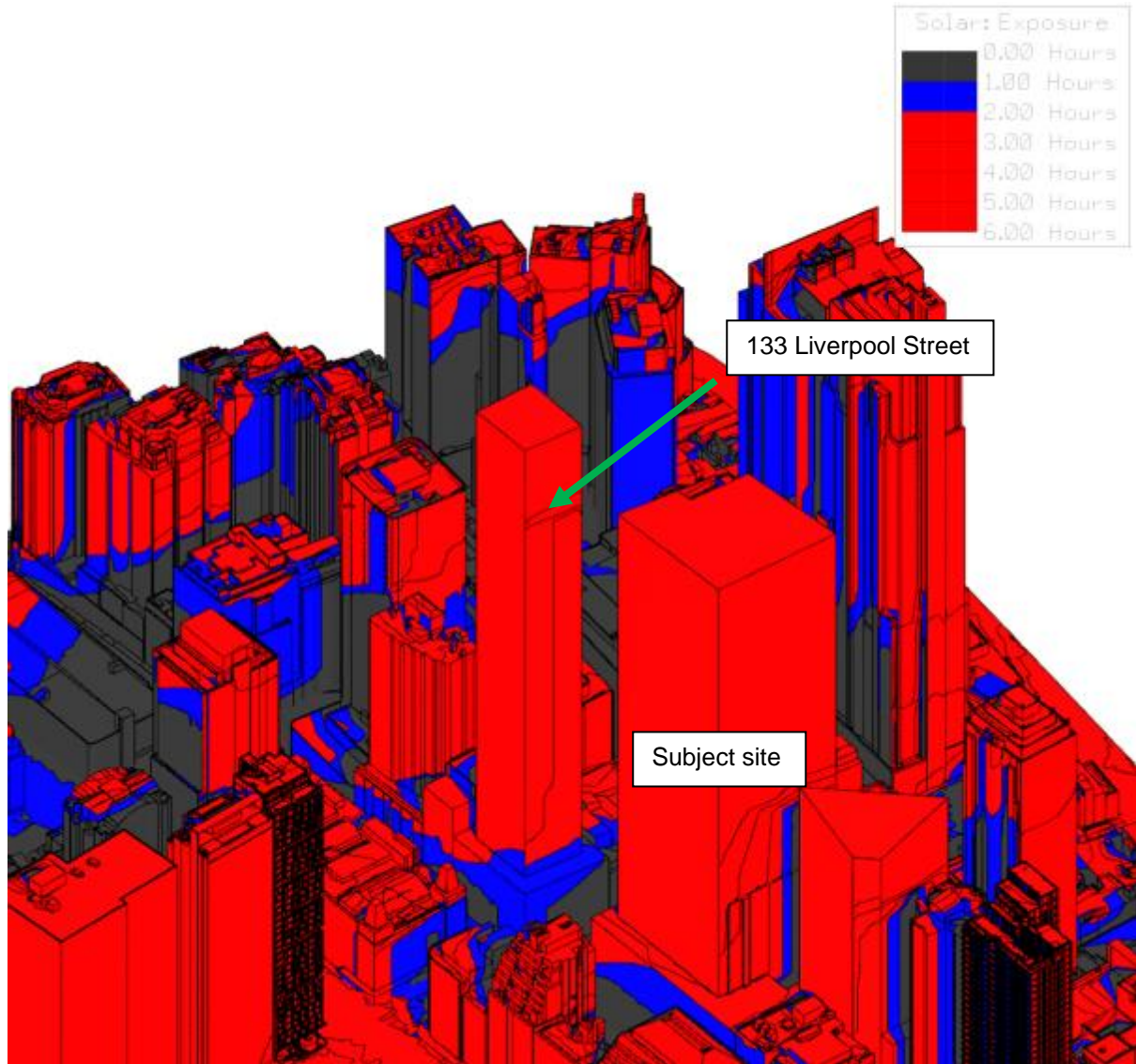
**Figure 51** | An indicative floor plan of the concept envelope at 133 Liverpool Street. Apartments are oriented to the east and north (Source: Candalepas Associates).

The applicant provided amended views from the sun diagrams on 12 March 2021. In addition, the City's modelling team has compared the amount of direct sunlight the concept envelope at 133 Liverpool Street will receive based on the approved concept building envelope and detailed design application and found that, during midwinter from 9.00am to 3.00pm, two hours of solar access will be received to the east and north elevations of the tower. As shown in **Figure 51** above, the indicative apartment layout for the building envelope at 133 Liverpool Street orients apartments to the north and east.

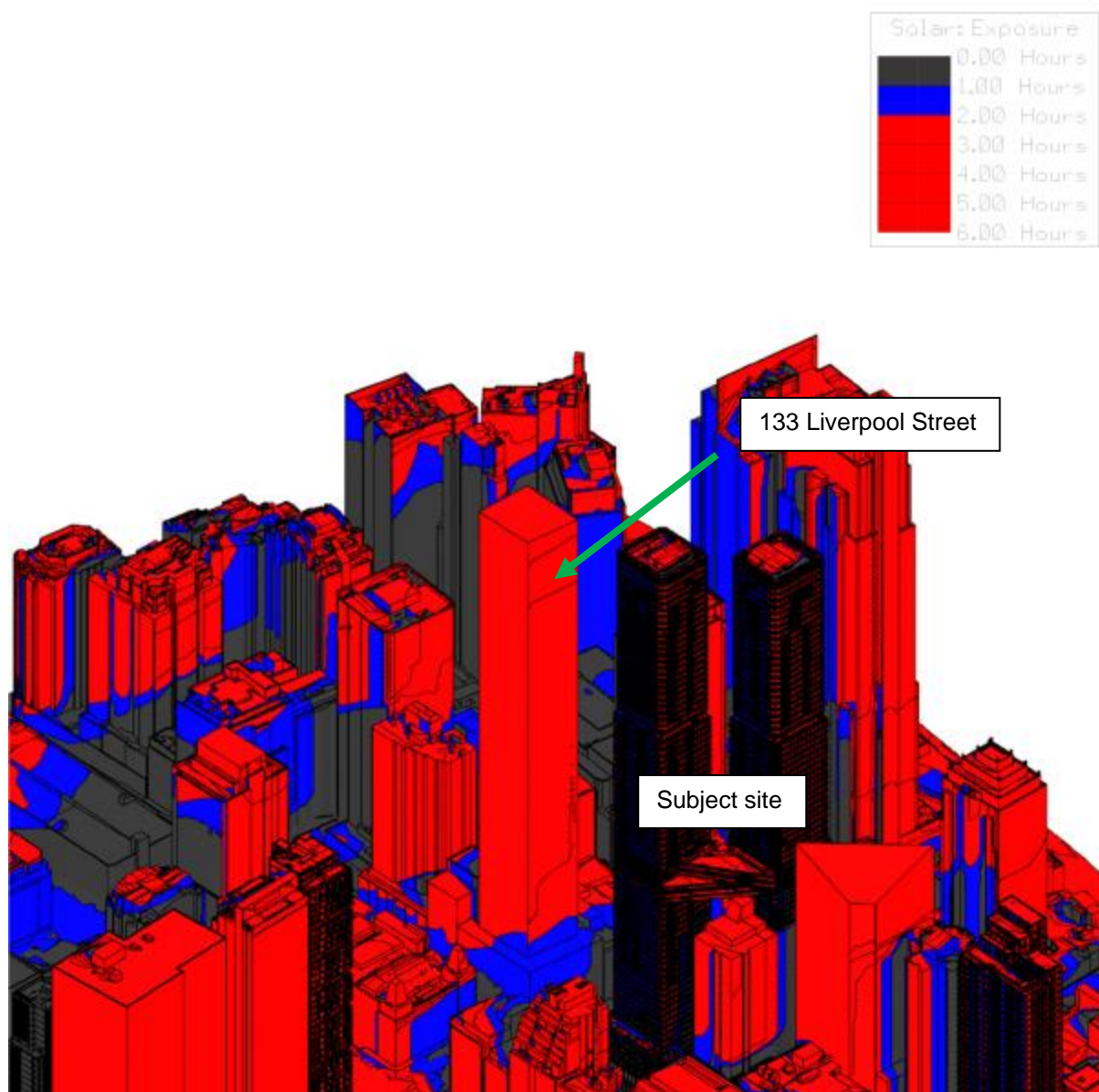
**Figures 52** and **53** below compare the amount of direct solar access received to buildings under the original building envelope proposed for the subject site, and the proposed detailed design (note that the original building envelope for the subject site illustrated in **Figure 52** was reduced in scale as illustrated in **Figure 49** above). The areas in red will receive at least two hours direct solar access midwinter between 9am and 3pm. The diagrams demonstrate that there is little to no impact to solar access caused by the detailed design application. As such, the building envelope at 133 Liverpool Street can comply with Objective 4A-1 of the Apartment Design Guide.

As previously discussed, it is recommended that the concept envelope be amended to fit the extent of the towers and skybridge to secure the benefits, and overcome the impacts, of the redistributed bulk and non-compliant setbacks, see **Figure 40** above.





**Figure 52** | A heat map demonstrating the amount of direct solar access a building will receive during midwinter between 9.00am and 3.00pm, illustrating the approved building envelope at 133 Liverpool Street and the original building envelope proposed at the subject site (Source: City of Sydney).



**Figure 53** | A heat map demonstrating the amount of direct solar access a building will receive during midwinter between 9.00am and 3.00pm, illustrating the approved building envelope at 133 Liverpool Street and the proposed detailed design building envelopes at the subject site (Source: City of Sydney).

#### 6.1.4 Overshadowing of public open spaces

As discussed in **Section 4.4**, the site is subject to the draft Central Sydney Planning Strategy, a draft EPI that is considered imminent and certain and, pursuant to Section 4.15(1)(a)(ii) of the Act, is a matter for consideration. The draft EPI proposes amending Clause 6.17 of the Sydney LEP 2012 to add new sun access planes, including for Harmony Park (located at Brisbane, Hunter and Goulburn Streets and to the west of the Surry Hills Police Station, Surry Hills).

The diagram below illustrates the sun access plane in plan form, the subject site is circled in red.



**Figure 54 |** Harmony Park sun access plane (Source: FJMT)

The proposed detailed design will result in overshadowing of Harmony Park between 1.58pm and 2.00pm, contrary to the proposed development control. The extent of shadow will reduce each additional day further from the solstice.



**Figure 55 |** The development will overshadow Harmony Park between 1.58pm and 2.00pm during the winter solstice (Source: FJMT)



The applicant demonstrated in pre-submission discussions that the area of the building causing the overshadowing was a small portion of the tower as shown in the Figure below, and stated that it was unreasonable to require a cut-out to reduce the extent of overshadowing proposed. City staff acknowledge that the design reflects the winning design competition scheme, which was undertaken prior to the Central Sydney Planning Strategy becoming a matter for consideration, and that compliance with the draft standard would result in an unreasonable adverse impact to the design of the tower. As such, minor inconsistency with the draft controls is considered acceptable in this instance.



**Figure 56 |** The development will overshadow Harmony Park between 1.58pm and 2.00pm during the winter solstice (Source: FJMT)

## 6.2 Design excellence

The applicant has undertaken a competitive design process with the winning architects being a collaboration of FJMT, Polly Harbison, Trias and Aileen Sage. The application is consistent with the winning scheme and has addressed the recommendations of the competitive design review panel.



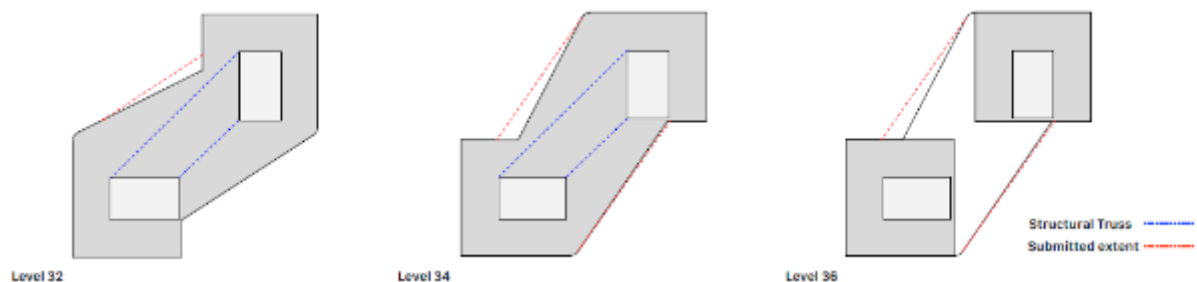
**Figure 57** | A photomontage of the proposed development presented at the competition (Source: FJMT).

**Table 6** | Competition panel recommendations and responses

Issue	Findings	Recommendations
Refinement of the form and location of the Sky Terraces linking the two towers including the height, the detail of the interface with the tower forms, and the relationship with the location of two vertical components of the towers. This will include consideration of suitable uses for the floors in the south tower, immediately below the Sky Terraces.	<p>The applicant has provided revised plans during the assessment of the application reducing the scale of the skybridge such that it is only as wide as is recommended by the structural engineer to support the towers.</p> <p>The skybridge serves to segment the lower third of the towers, with an additional landscaped recess provided to the segment the middle and upper thirds, providing a rational design response.</p>	The matter, as raised by the competitive design panel and Design Advisory Panel, has not been resolved to the satisfaction of the City. As such, a deferred commencement condition is recommended requiring the skybridge to be further reduced in size.
Review of the detailed form and geometry giving the		

extent of differing expression for lower and upper elements of the towers in conjunction with their vertical location as referred to above.

The floors directly beneath the skybridge are dedicated to plant. The apartments below the plant rooms will have reasonable amenity and, as demonstrated in **Appendix B**, the development achieves a good standard of amenity as a whole.



**Figure 58 |** The dotted red line was the previous extent of the bridge (Source: FJMT).

Review of the lifting strategy for the towers to ensure adequate levels of service for residents.

A vertical transport assessment report was prepared by Arup and forms part of the Response to Submissions. The report demonstrates that the lift strategy (separating lifts into low, mid and high rise sections; using double-storey lifts; providing lift speeds up to 10metres/second etc) will provide sufficient capacity for occupants, notwithstanding non-compliance with the design criteria of Objective 4F-1 of the ADG. The capacity also ensures that in the event of any lift maintenance, occupants will still be provided lift access.

The lift strategy is acceptable, with the report's recommendations forming part of the conditions of consent.

Review of the location and connection of public roof gardens to ensure effective circulation and safety. This would preferably involve elimination of some bridges over laneways.

The bridges provide connection between the podium buildings, minimising the requirement for individual lifts and allowing for improved mobility at different heights. This improves the

A condition of consent is recommended requiring clear glazing to be used in the bridges.

circulation space for the retail, hotel and residential uses.

The bridges between the podium buildings fronting Castlereagh Street will use a transparent glazing, minimising the visual impact on the through-site links and sense of openness to the sky.

The bridges to the podium buildings fronting Pitt Street have been offset from each other to reduce their perceived scale, and will use similar clear glazing to maintain views and be of a lightweight appearance. It is noted that one bridge has been deleted.

Refinement of the landscape design of the urban courtyard in relation to amenity, occupation and activation.

The applicant has engaged Martha Schwartz to design the central courtyard, as shown in **Figures 71-74**. The design has been reviewed by the City's Design Advisory Panel and Landscape officer, raising no objections to the design.

Conditions of consent regarding landscape details and public art are recommended accordingly.

Design development demonstrates the retention of quality of materials and level of detail within podium buildings, and in particular to ensure the Corner Building and 249 Castlereagh Street achieve the appropriate depth of authentic masonry expression.

Further information has been provided during the assessment of the application regarding the proposed materiality.

#### Podium

The development provides a masonry finish to the podium buildings fronting Castlereagh Street, reflecting the character of heritage items to the north.

A variety of high quality materials are used in each of the differing architects' podium buildings fronting Pitt and Liverpool Streets, providing visual interest

A materials sample board is required to be submitted to and approved by the City prior to the issue of a Construction Certificate.

and compatible with the streetscape.

#### Towers

The towers maintain the bronze/gold patina presented during the competition, with bronze aluminium external shading devices and tinted windows. The applicant will explore providing a reflective soffit to the skybridge as illustrated in the architectural design report accompanying the application.

The development achieves a high standard of architectural design with appropriate materials and detailing for the CBD environment. The fine grain, varied podium designs and through site links will improve the quality and amenity of the public domain. The ground floor premises and through site links provide a natural extension to the public domain and streetscape. The site is suitable for the proposed development and provides a mix of uses consistent with existing planning controls.

Sufficient building separation, supported by clever design, is provided to neighbouring sites. The site is not located within any view corridors and due to the slim tower profile will not unreasonably exacerbate already approved view impacts. The towers are delineated by the skybridge and subtle change in building form on the upper thirds. Appropriate street frontage heights and setbacks are provided responding to the streetscape.

The towers result in acceptable environmental impacts as discussed within the report and achieves a sufficient standard of sustainable design. Conditions of consent are recommended to ensure compliance with the City's waste management policies to minimise contributions to landfill, while the City's Sustainability officer endorses the energy and water efficiencies proposed (further discussion is provided in **Section 6.4**). The development provides sufficient landscaping on podiums which will contribute to local biodiversity and visual amenity. The development also provides sufficient and well-designed bike parking for residents, visitors and employees to the site, and is suitable located in close proximity to good public transport. The development has been amended to reduce the provision of car parking.

The City's Design Advisory Panel reviewed the proposal on 17 September and 20 August 2020. The table below addresses the comments and recommendations made during these meetings:

**Table 7 | Design Advisory Panel comments and responses**

Issue	Response
-------	----------

<p>The street frontage height to Castlereagh should reflect the design competition. The central podium building must be reduced in height to improve the amenity of the central square. Upper level setbacks could be introduced to further improve wind conditions.</p>	<p>The podium building has been reduced by one storey in height, with an inaccessible green roof provided in this location.</p> <p>The wind report accompanying the application demonstrates that the central courtyard will be provided good wind conditions for sitting.</p>
<p>The use of GRC for the podium buildings was not supported.</p>	<p>The applicant has clarified that GRC will only be used on small portion of the podium facades fronting Castlereagh Street and as such is acceptable.</p>
<p>A single architectural form (preferably rounded corners) should be provided the height of the towers.</p>	<p>The applicant does not support rationalising the tower forms, describing how the datums provided by the skybridge, upper level recess and varied corner treatments delineate and respond to the scale of towers in the surrounding area. City staff raise no objections to the form of the towers.</p>
<p>The skybridge is to be reduced to a size required for structural stability of the towers. Impacts to apartments below should be minimised.</p>	<p>A statement from a structural engineer and amended plans have been submitted during the assessment of the application, slightly reducing the scale of the skybridge. As discussed in <b>Table 6</b>, a deferred commencement condition is recommended requiring the skybridge to be substantially reduced further.</p>
<p>Lit provision to be further assessed by City staff.</p>	<p>This matter has been resolved as discussed with regard to the competition panel recommendations and responses above.</p>
<p>Consider providing roofs over the open spaces of the skybridge and ground level for protection from wind and falling objects.</p>	<p>A roof structure is provided to part of the skybridge whilst maintaining openness for light and ventilation. A condition of consent is recommended requiring the adjoining apartments to be converted to communal open space providing additional weather protection.</p> <p>Amended plans have been provided increasing the depth of the awnings adjoining the ground level courtyard, whilst the sun shading devices to the towers are designed to catch objects falling from balconies.</p>
<p>Concern is raised regarding the relocation and redesign of the accompanying architects' podium buildings. It is noted</p>	<p>The Trias, Aileen Sage and Polly Harbison designed buildings have been relocated from Castlereagh Street to Pitt and Liverpool Streets as a result of the</p>



that the Aileen Sage building on the corner of Pitt and Liverpool Streets improves on that presented at the competition.

hotel rooms being relocated from Pitt Street to Castlereagh Street. The changes are expressed in **Figures 59-62** below.

It makes more sense for one architect to design the buildings relating to the hotel use, while the accompanying architects design the buildings containing only retail tenancies. City staff are of the opinion that the proposal achieves design excellence notwithstanding the departure from the competition scheme.

Subject to conditions regarding the provision of awnings, and acknowledging the reduced height of the central podium building, the relocation of the accompanying architects' buildings is considered acceptable.

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Awnings should be provided to Castlereagh Street.

The applicant has amended the awning design fronting Pitt and Liverpool Streets and are generally compatible with Section 3.2.3 of the Sydney DCP 2012.

---

Continuous awnings to be provided to Pitt and Liverpool Streets, consistent with City's controls.

A condition is recommended requiring awnings to the Castlereagh Street facades.

---

Awnings should relate to each of the podium building forms and characters.

---

Concern was raised regarding the efficacy of the horizontal sun shading devices and that they may cause glare.

The applicant has provided additional information and amended plans as part of the Response to Submissions. City staff are satisfied that the proposal provides good sun shading for residents, manages glare and achieves design excellence.

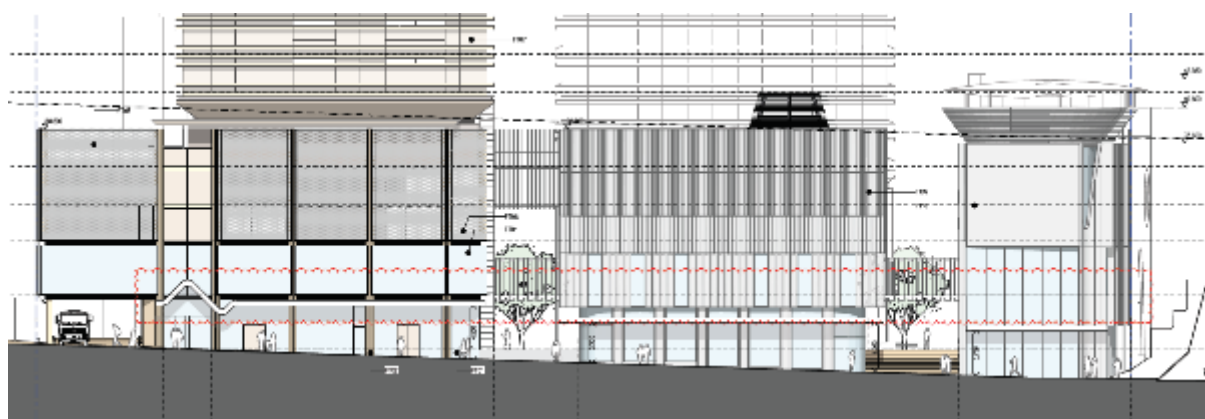
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The panel does not support the use of dark coloured or black glass.

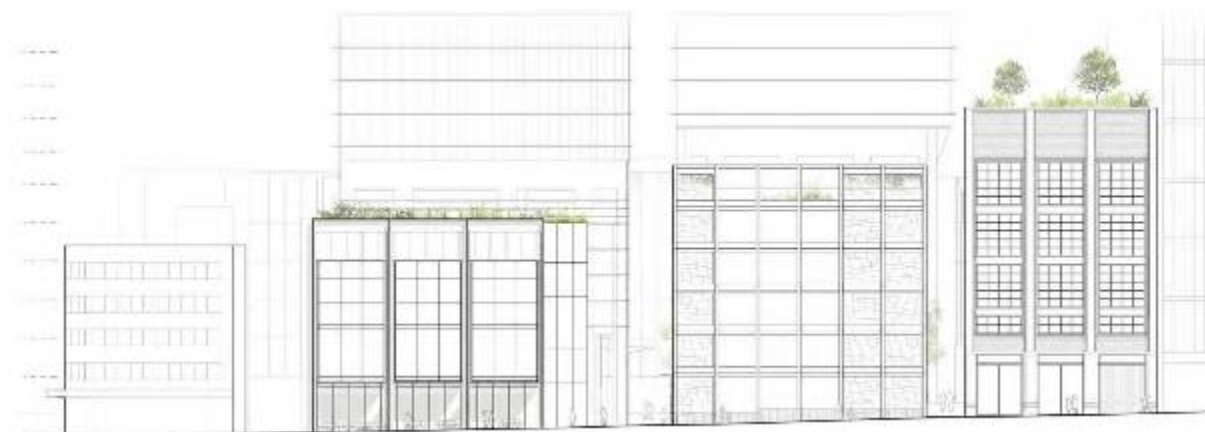
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**Figure 59** | The Pitt Street elevation presented at the design competition (Source: FJMT).



**Figure 60** | The Pitt Street elevation as proposed. See **Figures 75-78** for further images of the buildings by Trias, Polly Harbison and Aileen Sage (Source: FJMT).



**Figure 61** | The Castlereagh Street elevation presented at the design competition (Source: FJMT).



**Figure 62 |** The Castlereagh Street elevation as proposed. City staff recommend the addition of awnings to these buildings in accordance with the City's controls (Source: FJMT).

The development satisfies the provisions of Clause 6.21(4) and therefore achieves design excellence.

### 6.3 Remediation

Clause 7 of the SEPP 55 – Remediation of Land imposes a precondition of development consent, requiring the consent authority to consider if the land is contaminated and that, whether or not remediation is required, the site can be made suitable for the intended use. As the application proposes a residential use, a PSI accompanied the application (Appendix I of the EIS) in accordance with the SEARs and Clause 7(2) of the SEPP.

Based on historical records which show that the site has a commercial and light industrial heritage dating back to European settlement, the PSI assumes that contaminants will be present on site and that remediation is required to ensure the site is suitable for the proposed uses. The PSI recommended that a DESI be undertaken to ascertain the extent of contaminants on site. City staff requested that a DESI therefore be undertaken and any recommendations be certified by an accredited Site Auditor.

It is noted that three submissions were received during the first exhibition period raising concerns regarding the insufficient information provided to satisfy Clause 7 of the SEPP.

In the Response to Submissions, the applicant stated that undertaking soil sampling on site for a DESI was not feasible as this would require excavating below the existing car park slab. As such, City staff recommended that a preliminary RAP be prepared and endorsed by an accredited Site Auditor. This information was provided to the City on 12 and 15 March 2021. In summary, the Remediation Action Plan recommends all excavated fill to accommodate the basement and services be classified and disposed of off site as necessary. The Site Auditor provided the following assessment and recommendations:

*The information presented in the PSI indicates that whilst there is the potential for site contamination to exist on and under the site, contamination (if present) is likely to be:*

- *limited and localised; and*
- *predominantly associated with soil.*

*I consider that:*

- *the remedial approaches are realistic and achievable; and*
- *if appropriately implemented, the actions and measures described in the RAP are appropriate and can make the site suitable for the proposed future use as a mixed residential, hotel, commercial and retail complex.*

*I also consider that the RAP and proposed remedial approaches are generally consistent with relevant guidance made or approved by EPA.*

*However, I note that the following tasks (conditions) must be completed - and the associated deliverables provided for my review and approval - prior to proceeding with any remedial works:*

- *Preparation of an sampling, analysis and quality plan for a DSI - to assess the nature and extent of site contamination which may exist on and under the site.*
- *Implementation of the SAQP and delivery of a DSI report.*
- *Update of the RAP to reflect the outcomes of the DSI.*
- *Preparation of a remediation environmental management plan (REMP) – which should be prepared to reflect the outcomes of the DSI, the approved remedial approach, and relevant development conditions of consent. (pp4-6)*

As such, subject to conditions the development is considered to satisfy Clause 7 of SEPP 55 – Remediation of Land and development consent may be granted.

## **6.4 Easements and through site link - 310 Pitt Street**

Condition 22 requires consideration of existing and proposed easements, particularly those benefiting the property to the north (the Telstra site).

Objections were received from the neighbouring property regarding easements for:

- Car parking (8 spaces) and servicing (3 spaces)
- End of trip facilities
- Through site link

City staff agree that insufficient information has been provided to date to satisfy this condition. The relevant 88B instrument states that “alternative rights that provide substantially the same benefits” are to be provided by the developer “so that the detriment” to the neighbour “is minimised as far as is practicable”.

Generally, the City regards these arrangements as civil matters to be resolved between the affected parties, except for where it is contrary to the public interest and will have an adverse impact on the public domain. Furthermore, each development should aim to provide facilities to meet their own demand on site, rather than relying on neighbouring properties so as to avoid issues like this.

With regard to car parking, the City promotes the reduction of car parking and as such is not minded to press for alternative arrangements. This matter can be resolved between the affected parties as necessary.

The development provides for vehicle servicing in the new basement and is supported. However, the City does not support demand for servicing being temporarily displaced to the street for an extended period of time. The applicant is therefore required to demonstrate the adequate servicing arrangements can be provided for during construction.

The City strongly supports the provision of bike parking and associated facilities. Therefore, end of trip facilities are to be provided as necessary for the duration of construction.

The same submitter raised concerns regarding the impact of the development on the existing through site link shared between 324-330 Pitt Street (forming part of the subject site) and 310-322 Pitt Street (the Telstra site).

The through site link is not identified by the City as required, and is generally inconsistent with the design provisions of the City's planning controls under Section 3.1.2.2 of the Sydney DCP 2012. For example, it does not have a clear line of sight between the entrances. In contrast, the through site links provided by the subject development will have a better impact on permeability within the block and are generally consistent with these controls.

Notwithstanding, the development will sever the existing through site link, providing only access from Pitt Street. The applicant has provided insufficient information to satisfy the City that the development can occur without impacting on structures located on 310 Pitt Street. A condition of consent is recommended for construction details to be submitted prior to the issue of any Construction Certificate, demonstrating that the proposed works can occur without adversely impacting on the neighbour's property, including those tenancies relying on access within the through site link, unless adequate alternative access is provided.



**Figure 63 |** The Castlereagh Street elevation as proposed. City staff recommend the addition of awnings to these buildings in accordance with the City's controls (Source: FJMT).





**Figure 64 |** The Castlereagh Street elevation as proposed. City staff recommend the addition of awnings to these buildings in accordance with the City’s controls (Source: FJMT).

## 6.5 Other issues

Other issues are those that are not considered key issues but have been raised either in the EIS or in submissions.

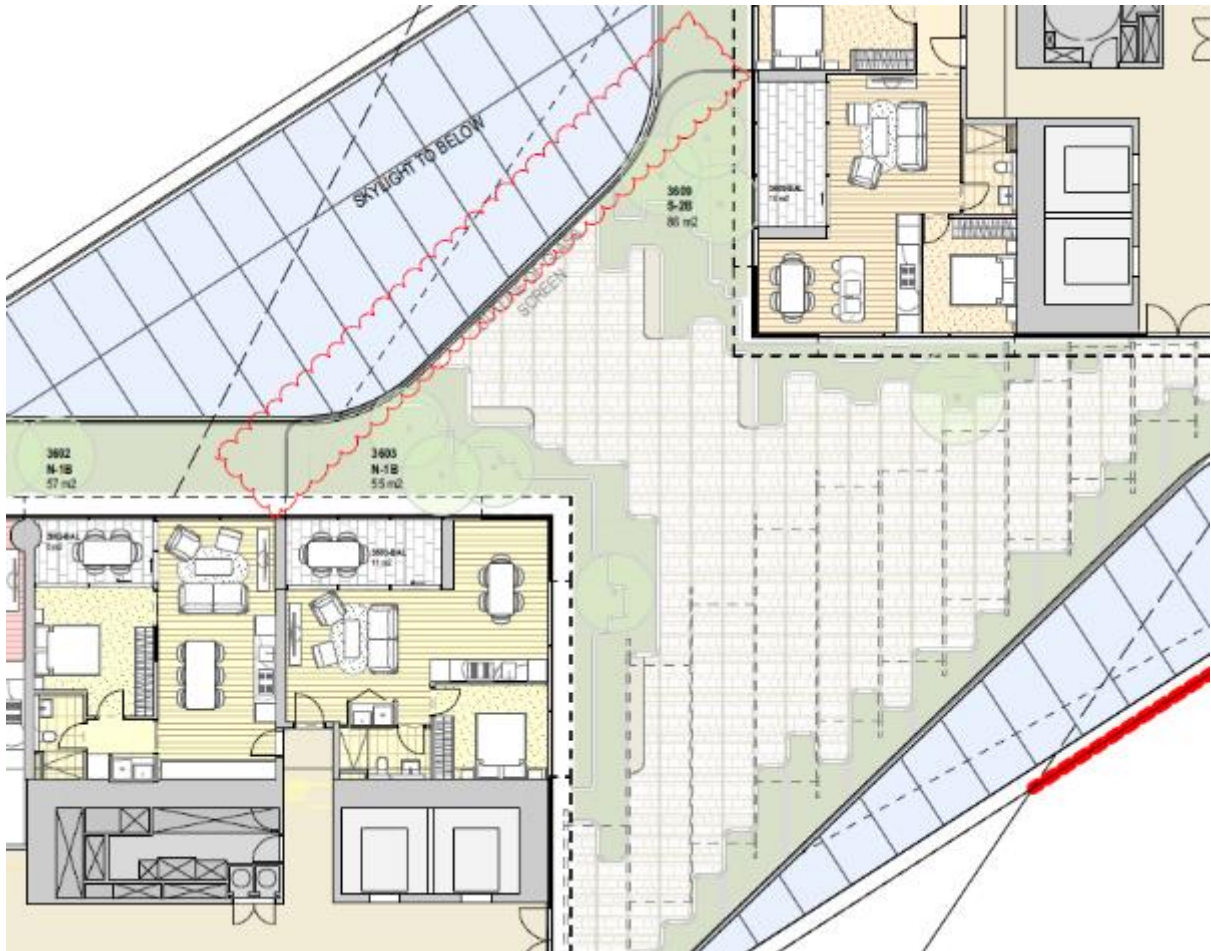
The consideration of other issues can be presented in a table. The table should provide a genuine summary of the Department’s assessment of the issue rather than replicating the approach applicable to the assessment of key issues (see below).

**Table 8 |** Discussion of other issues

Issue	Findings	Recommendations
<b>Visual privacy</b>	<p>Objective 3F-2 of the ADG states that communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. As shown in the Figure below, the open space of the skybridge directly adjoins habitable room windows of apartments.</p> <p>The applicant proposes a vegetative screen to provide visual separation between the skybridge and habitable</p>	<p>A condition is recommended requiring apartments 3603 and 3609 to be converted to communal rooms or a partially enclosed extension of the common open space.</p>



rooms of the apartments, however this is inadequate given the proximity of the open space and wind impacts on vegetation. Converting two of 592 apartments to greater common facilities/open space is not unreasonable.



**Figure 65 |** The corner apartments are recommended to be used as either an extension of the communal open space or as common areas for residents due to poor visual privacy from the skybridge (Source: FJMT).

### Building separation

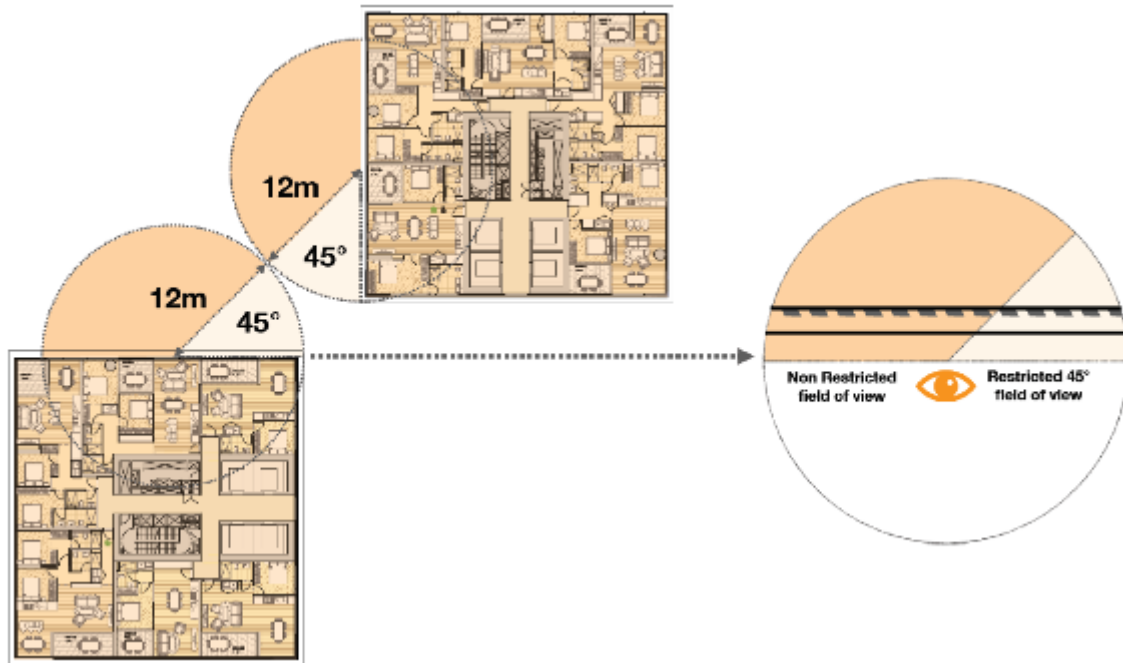
In accordance with Objectives 2F and 3F of the ADG, residential apartment buildings above 8 storeys are recommended to be separated by a minimum of 24 metres. The proposed towers, at their corners, will achieve a minimum building separation of 8.5 metres. This is a reduction from 12 metres presented at the design competition.

The applicant proposes using fixed material within the affected windows to deflect views away from neighbours and mitigate

The proposal achieves the objectives of the ADG notwithstanding non-compliance with the relevant design criteria. A condition of consent is recommended requiring updated architectural plans that identify this treatment and its location on all affected apartments.

overlooking. **Figure 66** below illustrates how this will operate.

Notwithstanding, the towers provide good daylight access and mitigate some view loss as discussed under **Section 6.1.2**.



**Figure 66 |** A diagram illustrating the architectural device within the windows to deflect views (Source: FJMT).

### Environmental Performance

The application proposes attaining a BASIX energy score of 25, and BASIX water score of 49. The BASIX water score exceeds the minimum target of 45 required under condition 12 of the concept approval.

The energy score complies with the minimum BASIX target but is below the score of 30 required under condition 12.

The applicant states that compliance with BASIX 30 through conventional technologies and design is challenged by the high number of lifts to serve the two-building design. To compensate and reach BASIX energy 25, the buildings incorporate increased AC, lift and appliance efficiencies beyond typical BASIX allowance.

Furthermore, the applicant has stated: "In future design development, a number of options are available to the team to enhance the rating further and potentially

A condition of consent is recommended requiring an updated BASIX certificate to be submitted prior to the issue of a Construction Certificate, with consideration of an advanced car park ventilation scheme.

target BASIX Energy 30. These will require either additional alternative assessments agreed with DPIE or modifications to the building scheme to enhance efficiency. For example, at this stage the car park ventilation scheme is not detailed however the mechanical engineers are confident that this system could be designed to achieve significantly higher efficiency than code. DPIE cannot accept a commitment to achieve this design outcome and have not allowed an alternative assessment to capture this saving at this stage.”

The City notes the consultant’s report that BASIX 30 is potentially achievable but that the BASIX Alternative Assessment pathway is not being made readily available to the proponent. This strongly reiterates the need for DPIE to (i) update the BASIX online tool to reflect the full range of commercially available Energy Efficiency options in the market and (ii) to review the technology scoring in the BASIX engine.

---

**Wind Impacts**

Section 3.2.6 of the Sydney DCP 2012 regards wind effects and requires developments with a building height exceeding 45 metres to undertake wind tunnel testing. Maximum wind speeds are provided for sitting, standing and walking comfort levels, as well as maximum speeds for safety.

Objective 3D-2 requires communal open spaces be designed to allow for a range of activities, respond to site conditions and be attractive and inviting. The design guidance recommends locating these spaces with good solar access and shelter from strong winds.

A wind report accompanies the application, demonstrating that the wind conditions at ground level and on the level 4 roof top will provide a reasonable wind environment for residents and visitors. However, the wind conditions on the skybridge were rated inhospitable and dangerous. As such, additional clear glazing and screens have been provided to mitigate the wind.

The design response is acceptable.

---

## Dungate Lane

The application proposes works to Dungate Lane to provide level through the site between Castlereagh and Pitt Streets, by way of public domain upgrades. Insufficient information has been provided regarding the necessary works and form of Dungate Lane, for example, whether it would need to become a shared zone.

Council's Traffic Operations and Public Domain units have reviewed the proposal and raise no issues with the works in principle.

A condition of consent is recommended requiring the proposed works to Dungate Lane be raised with the Local Pedestrian, Cycling, Transport and Traffic Committee as part of the public domain plan discussions, prior to the release of any Construction Certificate.

## Consistency with concept approval

Clause 4.24(2) requires any application to be consistent with a concept consent relevant to that land.

In accordance with Section 4.55(2)(a) of the EP&A Act, the development is considered substantially the same as that originally approved.

As previously discussed, the application proposes modifying the approved concept building envelope, which is supported subject to conditions. An assessment against the relevant conditions of D/2016/1509 (and where they are sought to be modified) is provided below:

The applicant proposes deleting condition 4, which reads as follows:

*The design of the building must be modified as follows:*

*(a) the north-eastern corner of the tower envelope must be reduced to a maximum height of RL 258.161, as annotated in red on the stamped approved plans;*

*(b) the tower envelope adjacent to Dungate Lane must be setback a minimum of 12m from the centreline of Dungate Lane, as annotated in red on the stamped approved plans;*

*(c) a portion of the eastern edge of the tower envelope must be deleted to ensure that the detailed design of a building contained within the modified envelope will not cause any additional overshadowing to Harmony Park between 10am and 2pm on*

Deletion of condition 4 is supported, subject to a new condition requiring the building envelope to be reduced as shown in **Figure 40**.

21 June, as annotated in red on the stamped approved plans;

*The modifications are to be submitted to and approved by Council's Director, City Planning, Development and Transport prior to the commencement of the competitive design process.*

With regard to (a), the detailed development complies with the maximum height limit for the site.

With regard to (b), non-compliance with the laneway setback controls is discussed under **Section 6.1.1** and is reasonable.

With regard to (c), the extent of overshadowing to Harmony Park has been discussed under **Section 6.1.4** and is reasonable.

---

The applicant seeks to amend condition 5(a) to update the maximum approved building envelope height as follows:

(i) RL 258.161 (AHD) to its north-eastern corner;

(ii) RL ~~255.92~~ 255.829 (AHD) to its south-eastern corner

(iii) RL ~~253.27~~ 253.280 (AHD) to its south-western corner

(iv) RL ~~255.87~~ 255.799 (AHD) to its north-western corner

The proposed RL heights comply with the maximum height standard for the site and reflect the realignment of the approved building envelope.

The development achieves design excellence and as such complies with the maximum height limits listed under condition 5.

---

The development is consistent with the maximum floor space ratio for the site in accordance with condition 6.

A condition of consent is recommended requiring a contribution towards the purchase of heritage floor space.

---

The applicant seeks to amend condition 9 as follows:

*No residential apartments are approved within the podium levels of the building.*

---



*Residential apartments must not be provided below ~~level 10 (RL 64.40)~~ Level 6 (RL 41.90).*

The application proposes locating apartments within the north tower from level 6. The development demonstrates compliance with the ADG and apartments located from level 6 up will achieve a reasonable standard of amenity. As such, the amendment is supported.

The applicant proposes amending condition 12 to permit a BASIX Energy score of 25, rather than 30 as recommended. Further discussion is provided earlier within this table and is acceptable.

The applicant proposes amending condition 13(c) as follows:  
*(c) A **preliminary** Public Art Proposal procured in accordance with the approved Public Art Strategy must be submitted ~~as part of~~ prior to the determination of any DA for the detailed design of the building.*

A preliminary public art plan has been submitted during the assessment of the application and is generally acceptable.

Conditions of consent are recommended requiring compliance with the City's Public Art in Private Development Policy.

A flood study has been submitted during the assessment of the application and is consistent with the approved flood study under condition 14.

The applicant has provided an archaeological assessment report in accordance with condition 15.

Heritage NSW have reviewed the report and made recommendations, which form part of the conditions of consent.

The application is accompanied by a wind report which demonstrates that publicly accessible areas will achieve a reasonable wind environment and provides recommendations to mitigate wind in communal outdoor spaces.

Conditions of consent are recommended including the addition of awnings to Castlereagh Street to provide an improved wind condition for future outdoor dining.

The applicant has submitted stormwater plans through the City's MUSIC Link

Conditions of consent are recommended requiring further information to be submitted prior

program, demonstrating compliance with Section 3.7 of the Sydney DCP 2012.	to construction to confirm connections to the City's stormwater drainage system.
Condition 21 requires lots to be consolidated where appropriate.	Conditions of consent are recommended requiring lot consolidation accordingly.
A discussion is provided under <b>Section 6.4</b> regarding Condition 22.	
A demolition and construction noise and vibration management plan accompanies the application in accordance with condition 30 and is supported.	A condition of consent is recommended requiring a Construction Liaison Committee to be established to manage communication and impacts with neighbouring properties.

## 7 Evaluation

The City has assessed the merits of the proposal and has carefully considered all issues raised in government agency and public submissions. The City has also considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The City is satisfied that the proposal should be approved for the following reasons:

- The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new hotel accommodation, public domain upgrades, a publicly accessible plaza and through site links and new retail spaces;
- The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury;
- The development complies with the maximum height, floor space and car parking controls contained under the Sydney LEP 2012;
- The application demonstrates design excellence in accordance with the provisions of Clause 6.21 of the Sydney LEP 2012. The slim tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The fine grain, varied podium designs and through site links will improve the quality and amenity of the public domain. The towers result in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for residents, visitors and employees to the site, and is suitably located close to good public transport;
- A deferred commencement condition is recommended requiring the width of the skybridge to be reduced in accordance with the recommendations of the competitive design panel and the Design Advisory Panel;
- The development is anticipated to create 3,090 construction and 750 ongoing operational jobs;
- The development has provided sufficient information to address the SEARs; and
- All other issues have been appropriately addressed by recommended conditions of consent.

The City's assessment therefore concludes that the proposed modifications to the concept approval (D/2016/1509/A), and detailed design (SSD 10405 (D/2020/610)), are in the public interest and recommends that the applications be approved, subject to recommended conditions.

## 8 Recommendation

It is recommended that the Central Sydney Planning Committee, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the applications;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **delegates determination to the City's CEO** for the application in respect of D/2016/1509/A and SSD 10405 (D/2020/610), subject to the conditions in the attached development consent and pending the concurrence of Sydney Metro; and
- **signs** the attached development consent and recommended conditions of consent (see attachment).

**Recommended by:**



**Graham Jahn AM**

Director

City Planning, Development and Transport

## 9 Determination

The recommendation is Adopted by:

A handwritten signature in black ink that reads "P. M. Barone". The signature is written in a cursive, slightly slanted style.

**Monica Barone**

Chief Executive Officer

City of Sydney



# Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

## Appendix A – Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/16511>

## Appendix B – Statutory Considerations

Use if relevant for any additional information not captured in another appendix list, delete if not required

### City of Sydney Act 1988

Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

#### **"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD**

- (1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.
- (2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.
- (3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.
- (4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."

A remote meeting was held with the CSTTC Working Group on 23 July 2020 with representatives from the Sydney Coordination Office, TfNSW and the City present. Matters discussed included:

- The number of car parking spaces provided
- Vehicular access to the site

- Arrangements for the porte cochere
- Loading and servicing provision

TfNSW advised that they would proceed with providing a consolidated response of separate agencies recommendations, which form part of the conditions of consent. Council's Transport Planner has also recommended conditions of consent.

As such, the application is not required to be presented to the CSTTC.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate has been submitted with the development application - 1089081M\_02.

The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. As discussed under **Section 6.1.4**, an updated BASIX certificate is required to be submitted prior to any Construction Certificate reflecting the approved number of apartments and to incorporate the car park ventilation system.

#### **State Environmental Planning Policy (Infrastructure) 2007**

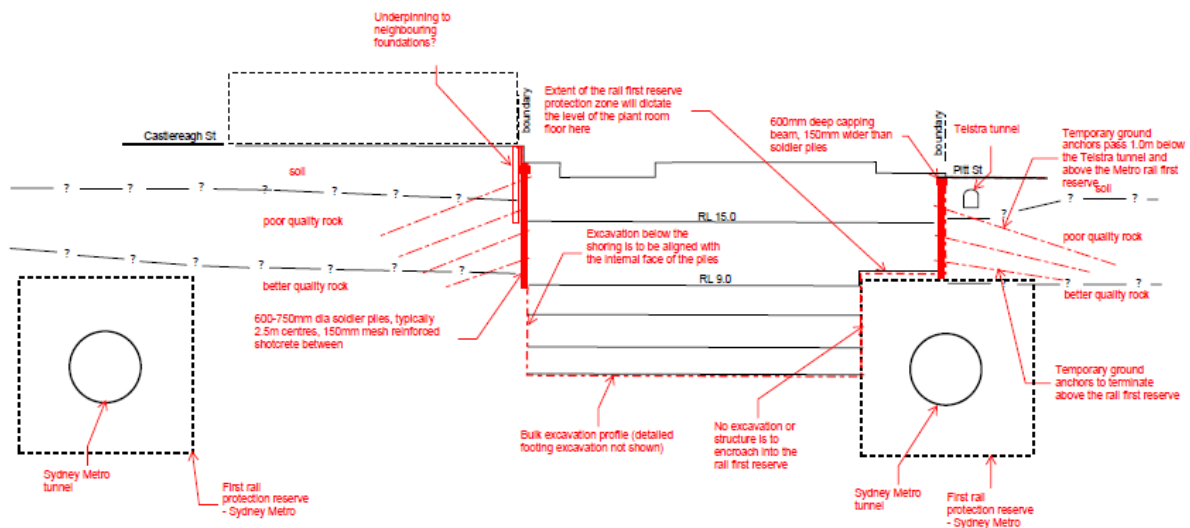
The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 86 – Excavation in, above, below or adjacent to rail corridors

The application is adjacent to the Sydney Metro rail corridor and was subsequently referred to Sydney Metro for comment. **Figures 69 and 70** below identify the location of the tunnels relative to the proposed development.



**Figure 67** | A typical lower basement plan with the Sydney Metro tunnels and zones of influence in red (Source: FJMT)



**Figure 68** | East-west section towards Liverpool Street, illustrating the location of the basement and footings over the north bound Sydney Metro tunnel (Source: Arup)

Additional information was requested, to which the applicant responded within the Response to Submissions. Sydney Metro is not satisfied that sufficient information has been provided to protect the structural integrity of the Sydney Metro tunnel as a result of the proposal.

Correspondence was received on 10 March 2021 from the applicant following a meeting with Sydney Metro, outlining the steps required to receive concurrent approval.

*At our meeting on 4 March 2021, Sydney Metro and the project team for 338 Pitt Street agreed that a Preliminary Geotechnical Assessment would be undertaken to provide an understanding of the proposed development and impact of stress relief (due to excavation) on the metro running tunnels adjacent to the site at 338 Pitt Street.*

*The report would be prepared in accordance with the Sydney Metro Underground Corridor Protection – Technical Guidelines.*

*Due to the current site access issues, our team has been given permission to use existing geotechnical information that it currently holds in relation to the Metro CSW project.*

*The preliminary assessment shall be forwarded to Sydney Metro for review and comment and will be validated at detail design stage when the information from site specific investigation is available and more detailed modelling can be carried out.*

*Subject to the Preliminary Assessment being acceptable to Sydney Metro, they will provide concurrence for the SSDA.*

*Based on the time it will take to complete the modelling and prepare the report, and Sydney Metro review time, a conservative estimate of time would be 4-5 weeks before a response could be provided by Sydney Metro.*

City staff have spoken to Sydney Metro and are confident that, subject to the provision of the subject information, the development can be undertaken without adverse impact to the rail tunnels. As such, it is recommended that the CSPC support the proposed recommendation to delegate determination to the City's CEO pending a response from Sydney Metro.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

### **SEPP 55 - Remediation of Land**

The aim of State Environmental Planning Policy (SEPP) No 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

See **Section 6.3** for further discussion.

## **SEPP 65 – Design Quality of Residential Apartment Development**

SEPP 65 provides that in determining an application for a residential apartment development of three or more floors and containing four or more apartments, the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles at Schedule 1.

A design verification statement prepared by Richard Francis Jones (NSW registration 5301) accompanies the application to address the design quality principles and the objectives of parts 3 and 4 of the ADG. The statement therefore satisfies Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

The nine design quality principles under Schedule 1 and the relevant objectives of the ADG are discussed below.

### ***Principle 1: Context and Neighbourhood Character***

The site is located within the midtown area of the Sydney CBD, an area proposed to undergo significant growth with the arrival of the Pitt Street Sydney Metro station and new planning controls under the Central Sydney Planning Strategy. The development combines several sites at the end of the block and proposes a significant uplift in density, scale and resident population.

The slim tower forms and materiality will provide visual interest to the city skyline, contributing to the emergence of very tall buildings approved (505 George Street) or under construction (115 Bathurst Street) nearby.

Several architects are involved in designing the podium buildings, providing variety and interest within the streetscape, whilst respecting the scale and materiality that defines this area. New through-site links are proposed to improve permeability and provide a new publicly accessible square, public art and landscaping.





**Figure 69 |** The model of the detailed design development within the City model. Cream buildings are existing, white buildings are proposed, grey buildings are approved and red buildings are under construction (Source: City of Sydney)

***Principle 2: Built Form and Scale***

The slim tower forms were identified by the competitive design panel as providing a superior urban design and amenity outcome for the city in contrast to the single, larger tower form identified by other competitors and envisaged by the concept approval. While not compliant with Council's setback controls, the siting of the towers is compatible with those in the surrounding area and provides greater views to the sky and surrounds than a single larger tower footprint.

The skybridge provides structural stability to the towers as well as amenity for residents, hotel guests and access for the public to the restaurant. A deferred commencement condition is recommended requiring the skybridge to be reduced in width to better relate to the slim profile of the towers.

The street frontage heights are generally compatible with the existing and desired scale of the surrounding area.

***Principle 3: Density***

The development complies with the maximum floor space ratio for the site and, as discussed further below, provides a good standard of amenity for residents, the public domain and neighbouring properties.

#### ***Principle 4: Sustainability***

As discussed in detail under **Section 6.1.4** and with regard to the provision of sun shading, solar access, natural ventilation, the development exceeds minimum standards for environmental performance indicators, achieving a good level of sustainable development.

#### ***Principle 5: Landscape***

The applicant has engaged Martha Schwartz partners for landscape design, providing a new public square with tree and ground plantings; top of podium green roofs for residents and hotel guests; and communal open space for residents to the skybridge. The materiality and species provide visual interest, shade and habitat. Public art is proposed to be integrated within the landscape, providing further visual interest. The planting to the podium roofs will be in part visible from the public domain and contribute to the greening of the city.



**Figure 70 |** Proposed publicly accessible square at ground level (Source: Martha Schwartz Partners)



**Figure 71 |** Level 4 residential communal open space (Source: Martha Schwartz Partners)





**Figure 72 |** Hotel podium roof top open space (Source: Martha Schwartz Partners)



**Figure 73 |** Skybridge communal open space for residents (Source: Martha Schwartz Partners)

***Principle 6: Amenity***

As demonstrated in the table below, the development provides a good standard of amenity for residents. Non-compliances with design criteria are justified with regard to relevant design guidance.

***Principle 7: Safety***

A CPTED report accompanies this application and has been reviewed by Council's SafeCity team. The application was referred to the NSW Police who didn't respond.

As discussed under **Section 6**, the applicant has provided further information in response to concerns regarding objects falling from apartments to publicly accessible areas below, for which Council is satisfied.

***Principle 8: Housing Diversity and Social Interaction***

Subject to conditions, the development will provide 590 apartments with the following yield:

- 168 x 1 bedroom
- 320 x 2 bedroom
- 102 x 3+bedrooms

The development includes the provision of adaptable and universal design compatible apartments to meet the needs to people with disability and other mobility constraints. Conditions of consent are recommended accordingly.

***Principle 9: Aesthetics***

The application follows a competitive design process whereby the consortium led by FJMT architects was declared the winner. The development is highly permeable, with a connected and perforated podium form and ground plane that enhances the fine grain character and scale of this part of the city. The two slender tower forms extend the finer scale of the built form within the City's skyline by reducing the mass resulting from a single tower, improving the residential amenity, and allowing the public realm to be largely open to the sky.

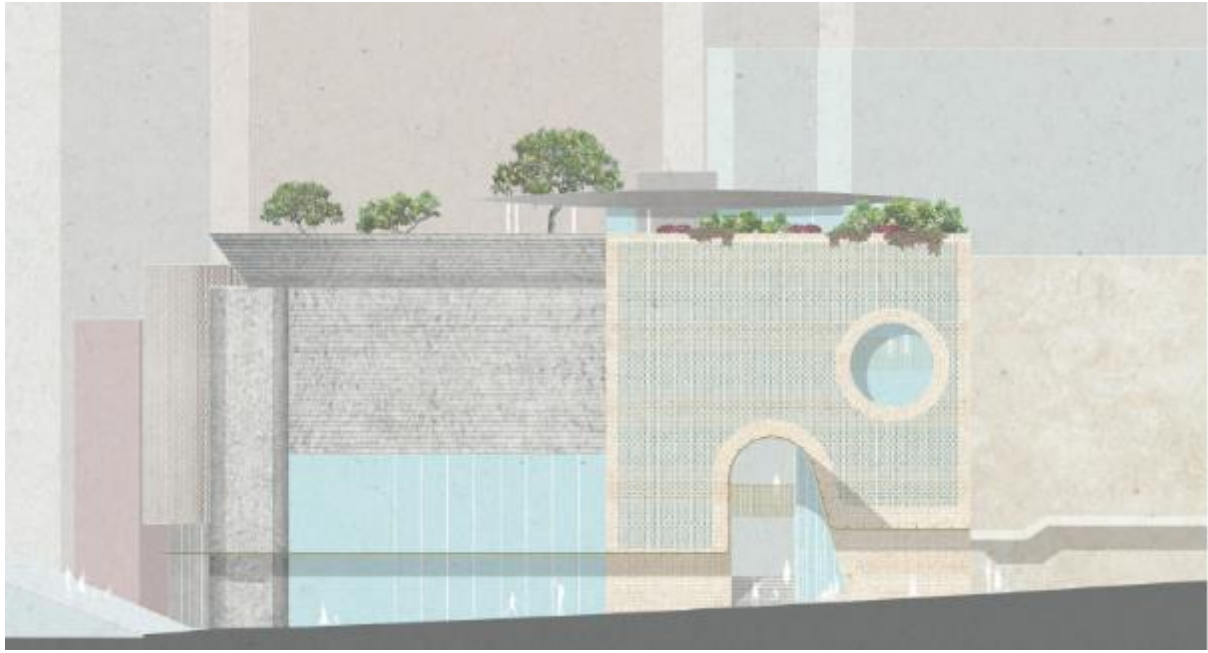
The podium is designed to provide unique addresses and interfaces to each of the three street frontages, achieving diversity at street level through fine design detail and high-quality materiality. The introduction of separate architects for a number of the podium buildings offers authentic diversity to streetscape and internal spaces. Landscape design proposals are well considered with an urban courtyard anchoring the public realm, which also extends to interconnected roof gardens to the podium buildings. The towers have an elegant proportion through the stepping in height and the articulation into centre and top with well detailed facades and flexible planning configurations identified. Small tower floor plates provide a greater amenity and intimacy to individual apartments.

The materials are of a high quality and reflective of the existing and desired character for the area.



**Figure 74** | The podium building fronting Pitt and Liverpool Streets (Source: Polly Harbison)





**Figure 75** | The podium building fronting Liverpool Street (Source: Aileen Sage). Note the awning design has been modified during the course of the assessment.



**Figure 76** | Facade detail of the podium fronting Pitt Street (Source: Trias)



**Figure 77** | A view of the internal retail precinct (Source: FJMT)

### Apartment Design Guide

The following table assesses the modifications to the concept application and detailed design against the relevant provisions of the ADG:

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	No	<p>The towers have an average glass line to glass line of 25 metres.</p> <p>This is acceptable as the 680sqm floorplate is significantly below the maximum 1000sqm floorplate permitted for residential towers in the City under Section 5.1.5.2 of the Sydney DCP 2012. The design is also consistent with the successful competitive design process entrant.</p> <p>The towers also provide good daylight access and natural ventilation, satisfying the underlying objectives.</p>

2F Building Separation	Compliance	Comment
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<p>Nine storeys and above (over 25m):</p> <p>24m between habitable rooms / balconies</p> <p>18m between habitable and non-habitable rooms</p> <p>12m between non-habitable rooms</p>	No	<p>The proposed towers are approximately 8.5 metres apart at their closest point. Further discussion is provided within <b>Section 6.4.</b></p>
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<b>3B Orientation</b>	<b>Compliance</b>	<b>Comment</b>
Overshadowing of neighbouring properties is minimised during mid-winter	Yes	Council's Model team have undertaken analysis of the expanded concept application and detailed tower designs and found that they do not adversely overshadow existing and proposed neighbouring residential properties.

<b>3D Communal and Public Open Space</b>	<b>Compliance</b>	<b>Comment</b>
Communal open space has a minimum area equal to 25% of the site.	Partial compliance	The development provides communal open space equal to 21% of the site, below the minimum 25% recommended. However, the communal open space is supplemented by internal amenities such as a gym, pool, communal kitchen and meeting/movie room.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The communal open space on the skybridge will receive a minimum two hours sunlight to more than 50% of the total area during midwinter.

<b>3F Visual Privacy</b>	<b>Compliance</b>	<b>Comment</b>
<p>Nine storeys and above (over 25m):</p> <p>12m between habitable rooms / balconies</p> <p>6m between non-habitable rooms</p>	Yes	<p>The proposed towers are approximately 6.5 metres apart at their closest point. Architectural devices are proposed in the corner windows to direct views away from the opposing apartments, thereby mitigating any adverse</p>

		overlooking. Further discussion is provided in <b>Section 6</b> .
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	The apartments are adequately designed in accordance with the design guidance.

<b>3G Pedestrian Access and Entries</b>	<b>Compliance</b>	<b>Comment</b>
Building entries and pedestrian access connects to and addresses the public domain	Yes	The proposed entries are suitably located from publicly accessible and well surveilled areas.  Equitable access is provided.
Access, entries and pathways are accessible and easy to identify		

<b>3H Vehicle Entries</b>	<b>Compliance</b>	<b>Comment</b>
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Yes	A condition of consent is recommended requiring the vehicular entry to be setback from the boundary by a minimum of 1 metre in accordance with Section 3.11 of the Sydney DCP 2012.

<b>4A Solar and Daylight Access</b>	<b>Compliance</b>	<b>Comment</b>
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	Approximately 77% of apartments receive a minimum 2 hours of solar access during mid-winter.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	5.4% of apartments receive no direct solar access during midwinter.

<b>4B Natural Ventilation</b>	<b>Compliance</b>	<b>Comment</b>
All habitable rooms are naturally ventilated.	Yes	Windows are appropriately designed to provide natural ventilation to all habitable rooms and meet the safety requirements of the Strata Management Schemes Act.

Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Yes	80% of apartments located on levels 6-9 are naturally cross ventilated.
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Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows in the table below.

<b>4C Ceiling Heights</b>	<b>Compliance</b>	<b>Comment</b>
Habitable rooms: 2.7m	Yes	Floor to ceiling heights comply with the minimum recommended under the ADG.
Non-habitable rooms: 2.4m	Yes	
Two-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	

<b>4D Apartment Size and Layout</b>	<b>Compliance</b>	<b>Comment</b>
Minimum unit sizes:  Studio: 35m <sup>2</sup>  1 bed: 50m <sup>2</sup>  2 bed: 70m <sup>2</sup>  3 bed: 90m <sup>2</sup>  The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.  A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.	Yes	The development provides apartments exceeding the minimum recommended sizes.
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	Apartments are provided expansive areas of glazing.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Single aspect apartments do not exceed the maximum recommended



8m maximum depth for open plan layouts.	Yes	height to depth ratio. Sufficient area is provided for habitable rooms.
Minimum area for bedrooms (excluding wardrobes):  master bedroom: 10m <sup>2</sup>  all other bedrooms: 9m <sup>2</sup>  Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	
Living and living/dining rooms minimum widths:  Studio and one-bedroom: 3.6m  Two-bedroom or more: 4m	Yes	

<b>4E Private Open Space and Balconies</b>	<b>Compliance</b>	<b>Comment</b>
One bed apartment are to have a minimum balcony area of 8m <sup>2</sup> with a minimum depth of 2m.  Two bed apartments are to have a minimum balcony area of 10m <sup>2</sup> with a minimum depth of 2m.  Three bed apartments are to have a minimum balcony area of 12m <sup>2</sup> with a minimum depth of 2.4m.	Yes	Private open spaces are generally in accordance with the minimum recommended provisions. Balconies above 30 metres, considered wind affected in accordance with Clause 4.5A of the Sydney LEP 2012, are able to be enclosed as shown on page 146 of the applicant's Design Report.

<b>4F Common Circulation and Spaces</b>	<b>Compliance</b>	<b>Comment</b>
The maximum number of apartments off a circulation core on a single level is 8.	Yes	A maximum of 5 apartments are provided off a circulation core on a single level.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No	Arup have provided a vertical transportation memo (submitted separately). It is our view, and also Arup's that where there are two or more lifts, as is the case for the proposed development, the number of apartments is not capped or restricted. I.e., 2 lifts are the minimum required for a 10-storey development (if there are 40 apartments or more), rather than 1 lift

		<p>per 40 apartments. This is to ensure redundancy of lift service, rather than a level of a performance experienced by passengers.</p> <p>To ensure the proposed development meets Objective 4F-1, Arup has conducted detailed lift performance analysis for the proposed development, using two different methods (calculation and simulation). This sought to confirm that the performance of the proposed development is acceptable in terms of passenger waiting times, lift departure intervals, lift travel times, queue lengths, and lift filling levels. With both types of analysis, the performance is deemed to be acceptable by Arup.</p>
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Partial compliance	Bedroom and living room windows generally open to external walls. However, it is noted that two apartments front the communal open space on the skybridge. Further discussion is provided in <b>Section 6.4</b> .
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Openable windows are provided to lift lobbies.

<b>4G Storage</b>	<b>Compliance</b>	<b>Comment</b>
<p>Minimum storage provision facilities:</p> <p>Studio: 4m<sup>3</sup></p> <p>1 bed: 6m<sup>3</sup></p> <p>2 bed: 8m<sup>3</sup></p> <p>3 bed: 10m<sup>3</sup></p> <p>(Minimum 50% storage area located within unit)</p>	Yes	A storage schedule is provided within the applicant's Design Report, demonstrating compliance with the design criteria and objective.

<b>4J Noise and Pollution</b>	<b>Compliance</b>	<b>Comment</b>
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Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Partial compliance	An acoustic report accompanies the application demonstrating that apartments generally comply with the City's acoustic criteria. It is noted that existing background noise levels exceed the maximum noise levels for bedrooms with windows/doors open at lower levels. This is acceptable within the context of a CBD environment.
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### Sydney Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

#### Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located within the B8 – Metropolitan Centre zone and is permissible with consent.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 235 metres is permitted on site. The applicant is seeking an additional 10% design excellence bonus in accordance with Clause 6.21(7), thereby permitting a maximum building height of 258.5 metres.</p> <p>The application proposes a maximum building height of 257 metres which complies.</p>
4.4 Floor space ratio 6.4 Accommodation floor space	Yes	<p>The site is located within Area 2 under Clause 6.4 which provides for additional accommodation (6:1) and commercial (4.5:1) floor space. Based on the proportions of uses proposed, the development is eligible for a maximum floor space ratio of 13.92:1.</p> <p>The development complies with the maximum standard.</p>

## Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The proposal has acceptable impact on the heritage buildings in the vicinity. No heritage building directly adjoins the site: they are either separated from the site by streets or by other non-heritage buildings.</p> <p>The through-site links and podium buildings provide variety in form and scale and respond positively to the fine grain of adjacent heritage buildings and the broader urban context.</p> <p>The excavation may be able to harvest sandstone. The geotechnical report is a desktop study only without carrying out on-site borehole testing. The report does not confirm or rule out the feasibility of sandstone quarrying. It is estimated that good quality sandstone may be available at the depth of 7-15m underground within the area of excavation.</p> <p>Archaeological matters have been reviewed by Heritage NSW.</p>

## Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	A condition of consent is recommended requiring the purchase of heritage floor space in accordance with the standard.
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>See discussion under <b>Section 6.2</b>.</p> <p>The development satisfies the provisions of Clause 6.21(4) and therefore achieves design excellence.</p>

## Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		

7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Yes	<p>Subject to the deletion of apartments 3603 and 3609, the development is permitted a maximum of 378 resident car spaces.</p> <p>The application proposes providing 377 car spaces.</p> <p>No visitor parking is provided.</p>
Other land uses	Yes	<p>The proposed hotel use is permitted a maximum of 37 car spaces. A total of 32 spaces are proposed and accordingly complies with the provision.</p>
Division 4 Miscellaneous		
7.15 Flood planning	Yes	<p>The site is identified as being subject to flooding.</p> <p>The application proposes development at or below the flood planning level. A flood report accompanies the application demonstrating that the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.</p>
7.16 Airspace operations	Yes	<p>The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>The concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received subject to conditions of consent.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>The application proposes demolition and construction, satisfying the provisions of the clause.</p>
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The site is located within Central Sydney, has an area of 6,091 sqm and proposes buildings greater than 55 metres in height. A site specific DCP is therefore required.</p> <p>The development is consistent with an approved concept application. Pursuant to Clause 4.23 of the EP&amp;A Act, a concept application is an acceptable alternative to a site specific DCP. In accordance with Clause 4.24 of the Act, the concept application has been amended to ensure consistency with the detailed design application.</p>

## Sydney Development Control Plan 2012

An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>A revised Public Domain Plan has been submitted and is acceptable in principle. Conditions of consent are recommended to confirm alignment levels and comply with the Streets Design Code.</p> <p>Through site links are provided to improve walkability and create permeable city blocks. The retail plan of management proposes allowing access for the general public 24 hours every day. The plan will form part of the conditions of consent. At a minimum, access is to be maintained from 6.00am to 10.00pm every day. A condition of consent is recommended requiring any conversion of Dungate Lane to a shared zone for level access through the site to form part of the public domain plans.</p> <p>Council's Public Art team have reviewed the Public Art Strategy and are supportive in principle. Conditions of consent are recommended requiring a Public Art Plan.</p>
3.2. Defining the Public Domain	Yes	<p>The development provides active frontages to the surrounding streets.</p> <p>Awnings are proposed which generally comply with the City's provisions, providing adequate shelter for pedestrians and visual interest within the streetscape.</p> <p>Wind impacts on the surrounding streets and within the internal courtyard are generally well mitigated. A condition of consent is recommended requiring awnings to be provided to Castlereagh Street to mitigate wind impacts for future outdoor dining.</p> <p>A condition of consent is recommended requiring materials with a light reflectivity below 20%.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>A competitive design process for the site was conducted to select the project architect. The selection panel deemed the consortium led</p>



		<p>by FJMT to be most capable of achieving design excellence.</p> <p>The proposal seeks additional height for the achievement of design excellence, which is supported.</p>
3.6 Ecologically Sustainable Development	Yes	See discussion under <b>Section 6.4</b> .
3.7 Water and Flood Management	Yes	<p>The applicant has submitted a MUSIC Link report, which has been reviewed by Council's Public Domain team and is supported.</p> <p>The applicant has submitted a flood report and demonstrated compliance with the City's Interim Floodplain Management Policy. A condition has been imposed regarding the design of Dungate Lane, which will serve as an overland flow path during flood events.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Council's Surveyor has recommended conditions regarding lot consolidation and any future strata subdivision.
3.11 Transport and Parking	Yes	<p><i>Bike parking</i></p> <p>The development provides sufficient bike parking and end of trip facilities for residents, staff and visitors to the site within the basement. Additional class 3 visitor bike parking will be provided within the site for easy access.</p> <p><i>Coach parking</i></p> <p>The development will not accommodate coaches. TfNSW has requested a coach parking management plan be developed to manage groups of hotel guests arriving by coach.</p> <p><i>Car share</i></p> <p>Nine car share spaces are proposed for the level 1 basement. A condition of consent is recommended requiring access for the general public.</p> <p><i>Service vehicle parking</i></p> <p>The development as amended provides 21 service vehicle spaces of varying sizes. Council's waste trucks will be accommodated within the basement.</p> <p><i>Motorbike parking</i></p> <p>The development provides 38 motorbike spaces in accordance with the controls.</p>

		<p><i>Accessible parking</i></p> <p>The development as amended provides 89 accessible parking spaces in accordance with the control. A condition of consent is recommended requiring the accessible residential spaces to be allocated to adaptable units within the development on title.</p> <p><i>Vehicle access</i></p> <p>The driveway location is generally in accordance with the control. A condition of consent is recommended requiring the driveway to be setback 1 metre from the northern property boundary.</p>
3.12 Accessible Design	Yes	Conditions of consent are recommended requiring compliance with DDA and relevant Australian Standards for access.
3.13 Social and Environmental Responsibilities	Yes	A CPTED report accompanies the application and provides guidance on mitigating crime and nuisances. Council's Safe City Unit has reviewed the application and recommended standard conditions.
3.14 Waste	Yes	<p>A waste management plan accompanies the application and is generally consistent with the City's Guidelines for Waste Management in New Development. Two collections for general waste and three collections for recycling, per week, are proposed which is acceptable.</p> <p>Conditions of consent are recommended requiring the submission of the Guideline's appendices demonstrating compliance with the required demolition and construction recycling targets, as well as the provision of compost waste services.</p>
3.15 Late Night Trading Management	Yes	The application proposes permitting retail trade from 6.00am to midnight, which is consistent with the Late Night Management Area within the CBD. An overarching Plan of Management is proposed for all retail premises within the development. A condition of consent is recommended that a revised Plan of Management be provided prior to the issue of any Occupation Certificate to be in accordance with Schedule 3.2 of the Sydney DCP 2012.

3.16 Signage and Advertising	N/A	No signage is proposed. A separate application will be required for signage.
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### Section 5.1 – Central Sydney

Provision	Compliance	Comment
5.1.1 Street frontage heights	Partial compliance	The matter is discussed in detail under <b>Section 6.1.1</b> .
5.1.2 Building setbacks	Partial compliance	
5.1.5 Building bulk	Yes	
5.1.6 Building exteriors	Yes	The matter is discussed in detail under <b>Section 6.1.2</b> .
5.1.9 Award and allocation of heritage floor space	Yes	Appropriate conditions of consent are recommended to ensure the correct allocation is apportioned to the development.

## Appendix D – Response to community submissions

A summary of the City's consideration of the issues raised in submissions is provided in the table below:

Issue	Consideration
<b>Traffic, Parking Provision and Vehicle Access</b>	<p>Traffic impacts and parking provision, as amended, are acceptable as follows:</p> <ul style="list-style-type: none"> <li>The development consolidates four driveways into one, improving the pedestrian experience on Castlereagh Street, Dungate Lane and Liverpool Street.</li> <li>While the development will increase the provision of parking on site from 246 spaces to 442 (an increase of 196 spaces), in addition to additional loading areas, six drop-off spaces and motorbike parking, City and TfNSW have reviewed the applicant's transport and traffic report and are satisfied that the development will not adversely contribute to traffic generation in the city.</li> <li>The provision of resident parking (including accessible parking) is consistent with the City's maximum parking controls.</li> <li>The application has been amended to provide sufficient loading spaces to meet the City's minimum controls.</li> <li>The development provides sufficient bike parking and end of trip facilities to comply with the City's controls.</li> </ul>

- The applicant has requested a condition to provide a Green Travel Plan to encourage sustainable modes of travel for residents, employees and visitors.
- The site is located in close proximity to existing stations at Town Hall and Museum, the new Pitt Street metro, bus services and the Liverpool and Castlereagh Street bike lanes.
- A condition of consent is recommended requiring the driveway to be setback from the northern boundary by a minimum of 1 metre in accordance with Section 3.11 of the Sydney DCP 2012.

<b>Accessible Parking</b>	The objection raised concerns with the loss of on-street parking and drop off spaces. This will be managed through the issue of Work Zones as necessary during construction, whilst the consolidation of driveways will improve traffic flow and allow for more drop off areas.
<b>Remediation (insufficient information)</b>	A revised RAP and interim letter of advice from a Site Auditor demonstrates that, subject to conditions, the site can be made suitable for the proposed use.
<b>Height</b>	The development complies with the maximum height control for the site.
<b>Bulk and Scale</b>	These matter is discussed in detail in <b>Section 6.1</b> .
<b>Wind Impacts</b>	
<b>Overshadowing</b>	
<b>Visual Impact</b>	1
<b>Noise</b>	Concern was raised regarding construction noise, with reference to construction noise at 115 Bathurst Street (the Greenland tower). Conditions of consent are recommended requiring the establishment of a Community Consultative Committee prior to and during construction to manage impacts, as well as a Demolition and Construction Noise and Vibration Management Plan.
<b>Construction Noise</b>	
<b>View Loss (documentation)</b>	The City is satisfied with the information provided at Appendix T of the EIS regarding view loss.
<b>Impact on Metro Tunnel</b>	The applicant has liaised with Sydney Metro and is preparing necessary documents (including preliminary geotechnical advice) to satisfy the authority and receive concurrence. The application is
<b>Geotechnical Constraints</b>	

(insufficient information)	recommended to be delegated to the City's CEO pending this concurrence.
<b>Compatibility with surrounding area</b>	The development is generally consistent with the desired scale and character of the surrounding area, and as discussed within <b>Section 6.2</b> demonstrates design excellence.
<b>Biodiversity</b>	<p>In accordance with the <i>Biodiversity Conservation Act 2016</i>, an assessment of any SSD's biodiversity impacts must be undertaken as part of the provision of any SSD DA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required. An application was lodged on 4 November 2019 requesting that the Department, in consultation with Environment, Energy &amp; Science Group, waive the requirement to prepare a BDAR on the grounds of the development being unlikely to impact biodiversity values in accordance with Clause 1.5 of the <i>Biodiversity Conservation Act 2016</i> and Clause 1.4 of the <i>Biodiversity Conservation Regulation 2017</i>. A waiver was issued on 2 December 2019 under the delegation of the OEH Senior Executive.</p> <p>Conditions of consent are recommended regarding landscaping to contribute to the City's biodiversity.</p>
<b>Easements for Access and Parking benefiting 320 Pitt Street</b>	This matter is discussed within <b>Section 6.4</b> .
<b>Inconsistency with concept approval</b>	<p>Concerns have been raised regarding the intensity of the proposed development compared to the indicative, single tower scheme provided with the concept application. Notably, the submissions were concerned that the detailed design scheme resulted in high gross floor area. While the proportion of uses has impacted on the maximum permissible floor space ratio (as a result of the accommodation floor space provisions under Clause 6.4 of the Sydney LEP 2012), these are minor.</p> <p>Furthermore, the concept approval did not restrict the detailed design to one tower. The design competition and detailed design application have demonstrated that the site can accommodate a twin tower design.</p> <p>The applicant has submitted a concurrent application to modify the concept application such that it is consistent with the detailed design application. Notwithstanding, the development is considered substantially the same as that originally approved in accordance with Section 4.55(2)(a) of the EP&amp;A Act.</p>



**Inconsistency with  
City's Competitive  
Design Policy**

The applicant has undertaken a competition in accordance with the City's policies, and the development is more than sufficiently consistent with the winning scheme. The application has recommended to the recommendations of the competition panel and is supported. Where changes have occurred, such as in the design of the podium buildings, the City contends that these are acceptable and do not detract from the development achieving design excellence.

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**Acid Sulphate Soils  
(insufficient  
information)**

The development does not require an Acid Sulphate Soils Management Plan in accordance with the provisions of Clause 7.14 of the Sydney LEP 2012.

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**Archaeology  
(insufficient  
information)**

Heritage NSW have reviewed the archaeological reports and recommended conditions accordingly.