

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10362 Mixed Use Development - Hotel, residential and commercial
Applicant	CHINA CENTRE DEVELOPMENT PTY LTD
Consent Authority	Central Sydney Planning Committee

Decision

The Chief Executive Officer of the Council of the City of Sydney (**the City**) has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions as delegated by the Central Sydney Planning Committee.

A copy of the development consent and conditions is available [here](#).

A copy of the City's Assessment Report is available [here](#).

Date of decision

9 August 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the City during the assessment of the development application;
- the findings and recommendations in the City's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the City's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- 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;
- Deferred commencement conditions are recommended by Sydney Metro to ensure the development does not adversely impact the tunnel infrastructure located adjacent to the proposed basement;
- 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.

Attachment 1 – Consideration of Community Views

The City publicly exhibited development application D/2020/610 (SSD 10362) for 28 days from 20 July to 17 August 2020 and Section 4.55(2) application 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 received 10 submissions from the public to SSD 10362 and 11 submissions from the public to D/2016/1509/A.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker are identified within the table below. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Traffic, Parking Provision and Vehicle Access	<p>Traffic impacts and parking provision, as amended, are acceptable as follows:</p> <ul style="list-style-type: none"> • The development consolidates four driveways into one, improving the pedestrian experience on Castlereagh Street, Dungate Lane and Liverpool Street. • 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. • The provision of resident parking (including accessible parking) is consistent with the City's maximum parking controls. • The application has been amended to provide sufficient loading spaces to meet the City's minimum controls. • The development provides sufficient bike parking and end of trip facilities to comply with the City's controls. • 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.
Accessible Parking	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.
Remediation (insufficient information)	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.
Height	The development complies with the maximum height control for the site.
Bulk and Scale	These matters are discussed in detail in Section 6.1 of the City's Assessment Report.
Wind Impacts	
Overshadowing	
Visual Impact	
Noise	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.
Construction Noise	
View Loss (documentation)	The City is satisfied with the information provided at Appendix T of the EIS regarding view loss.
Impact on Metro Tunnel	Sydney Metro has reviewed the information submitted by the applicant and recommended deferred commencement conditions to ensure the
Geotechnical Constraints	

(insufficient information)	metro tunnels are protected during construction.
Compatibility with surrounding area	The development is generally consistent with the desired scale and character of the surrounding area, and as discussed within Section 6.2 of the City's Assessment Report demonstrates design excellence.
Biodiversity	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 & 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. Conditions of consent are recommended regarding landscaping to contribute to the City's biodiversity.
Easements for Access and Parking benefiting 320 Pitt Street	This matter is discussed within Section 6.4 of the City's Assessment Report.
Inconsistency with concept approval	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. 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. 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&A Act.
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.
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.
Archaeology (insufficient information)	Heritage NSW have reviewed the archaeological reports and recommended conditions accordingly.