


Prepared for: Romanous Developments Pty Ltd  
Date: 3 May 2019



architectus™

State Significant Development Application – SSD 9694  
301 and 305 Kent Street, and 35-39 Erskine Street, Sydney

# Environmental Impact Statement

Project and report	301 & 305 Kent Street and 35–39 Erskine Street, Sydney Environmental Impact Statement
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## Statement of Veracity

### Submission of Environmental Impact Statement:

Prepared under Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

### Environmental Impact Statement (EIS) has been prepared by:

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Senior Urban Planner

*Bachelor of Science (Human Geography) University of Wollongong*

*Master of Planning (University of New South Wales)*

and

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Urban Planner

*Bachelor of Arts and Sciences (Geography) University of Sydney*

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### Address:

Architectus Group Pty Ltd

Level 18, MLC Centre, 19 Martin Place

Sydney NSW 2000

### In respect of:

State Significant Development Application (SSD 9694) for a Stage 1 Concept proposal for a hotel development (as described in Section 3 of this EIS) located at 301-305 Kent Street and 35-39 Erskine Street, Sydney. The site is legally described as Lots 1-3 DP 443974; Lot 1 DP 76374; Lot 1 DP 980369; and Lot 305 DP 669166.

### Applicant:

Romanous Developments Pty Ltd

### Declaration:

It is declared to the best of my knowledge that:

- This Environmental Impact Statement has been prepared in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*; and
- This Environmental Impact Statement contains all available information that is relevant to the environmental assessment of the proposed development; and
- The information contained in this report is neither false nor misleading.



Taylor Vernon  
May 2019



Jane Anderson  
May 2019





Figure 1. Local context map  
Site outlined in red  
Source: NearMaps October 2018



# Executive Summary

The redevelopment of the site provides a unique opportunity to deliver a new hotel building in Central Sydney that is commensurate with Sydney's global status and responds to the significant need for additional tourist accommodation in Central Sydney.

## The project

This Environmental Impact Statement (EIS) has been prepared by Architectus on behalf of Romanous Developments Pty Ltd in support of a State Significant Development Application (SSDA) for a proposed hotel development located at 301 and 305 Kent Street, and 35-39 Erskine Street, Sydney.

## Purpose of this Report

This Environmental Impact Statement (EIS) supports a Concept (Stage 1) State Significant Development Application (SSDA) for a hotel development in Central Sydney. The project is an important part of the planning and development of Sydney as a significant global city and international gateway, by providing additional tourist accommodation within Central Sydney and in close proximity to major tourist precincts such as Barangaroo.

The application is made under Part 4, Division 4.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), by Architectus, on behalf of Romanous developments Pty Ltd. The Concept SSDA is prepared pursuant to Clause 7.20 of the Sydney Local Environmental Plan 2012 (LEP), and division 4.4 of EP&A Act. In accordance with Section 4.23 of the EP&A Act, a Concept DA can satisfy the obligation of a planning instrument (e.g. Sydney LEP) that requires the preparation of a development control plan. As such, this Concept DA sets out the Concept proposal for the development of the site, and for which detailed proposals for the site are to be subject of a subsequent development application.

The total Capital Investment Value (CIV) of the project is \$116,776,000 which is over the minimum threshold of \$100 million CIV for a tourist related purpose (hotel) to be assessed as State Significant Development (SSD),

as specified under Schedule 1, Clause 13 of the State Environmental Planning Policy (SEPP) (State and Regional Development) 2011. Accordingly, this SSDA is submitted to the Department of Planning (DPE) for determination by the Minister for Planning, or his delegate.

## The Site

The site is located within Central Sydney, in the City of Sydney Local Government Area (LGA). Existing development on the site includes a five storey brick building at 301 Kent Street which provides visitor accommodation, a four storey warehouse style brick building at 305 Kent Street which is used as a gym, and commercial shopfronts at 35-39 Erskine Street.

The site is immediately surrounded by:

- Kent Street to the east, with commercial office buildings and heritage listed warehouses beyond;
- Erskine Street to the north, with heritage listed terrace buildings beyond;
- A commercial office tower adjacent to the site to the south (307-329 Kent Street); and
- A commercial office building adjacent to the site to the west (25-33 Erskine Street, Street).

Refer to the local context plan at Figure 1 adjacent.

### Legal description

The site is an irregular shape that is comprised of six (6) individual lots, being:

- Lot 1 DP443974;
- Lot 2 DP443974;
- Lot 3 DP443974;
- Lot 1 DP76374;
- Lot 1 DP 980369; and
- Lot 305 DP669166.

The total site area is 1,028m<sup>2</sup>.

### Site ownership

The site is owned by Romanous developments Pty Ltd.



## Proposed development

This Concept (Stage 1) SSDA seeks approval for the proposed hotel development on the site, and is accompanied by an Urban Design and Architectural Design Report prepared by DBI Architects at Appendix B. The Report contains proposed building envelope plans and an architectural reference scheme. There are no physical works proposed by the subject SSDA.

Specifically, the Concept SSDA seeks consent for the establishment of a building envelope up to a height of RL 96.2m, use of the site as a hotel (with ancillary uses), proposed pedestrian and vehicular access arrangements, and the provision of on-site bicycle and car parking.

The Concept SSDA will facilitate a future Stage 2 SSDA, envisaged by the architectural reference scheme at Appendix B as a 29-storey hotel development containing 11,301sqm GFA (maximum FSR 11.0:1), comprising:

- A two (2) storey lower podium with entry via Kent Street (Upper Ground) containing a forecourt plaza and

hotel lobby, hotel amenities and function rooms, plant, back-of-house (BOH), and rear courtyard terrace;

- 24 storeys of hotel accommodation containing 360 rooms, hotel GFA of up to 10,432 sqm, plant rooms and a rooftop bar and terrace; and
- A Lower Ground entry via Erskine Street with up to five (5) levels of basement car parking accommodating 81 car parking spaces (including loading bays), bicycle and motorcycle spaces.

A future Stage 2 SSDA will be submitted seeking consent for the detailed design of the proposed hotel. Prior to the submission of the Stage 2 SSDA, a competitive design process will be undertaken pursuant to Clause 6.21(5) of the Sydney LEP 2012 and the Design Excellence Strategy at Appendix V. It is noted that the reference scheme assumes an additional 10% building height as a result of demonstrating design excellence.

Demolition and excavation works may either form part of the Stage 2 SSDA, or a separate DA to the City of Sydney. This will be confirmed once the project has further progressed.

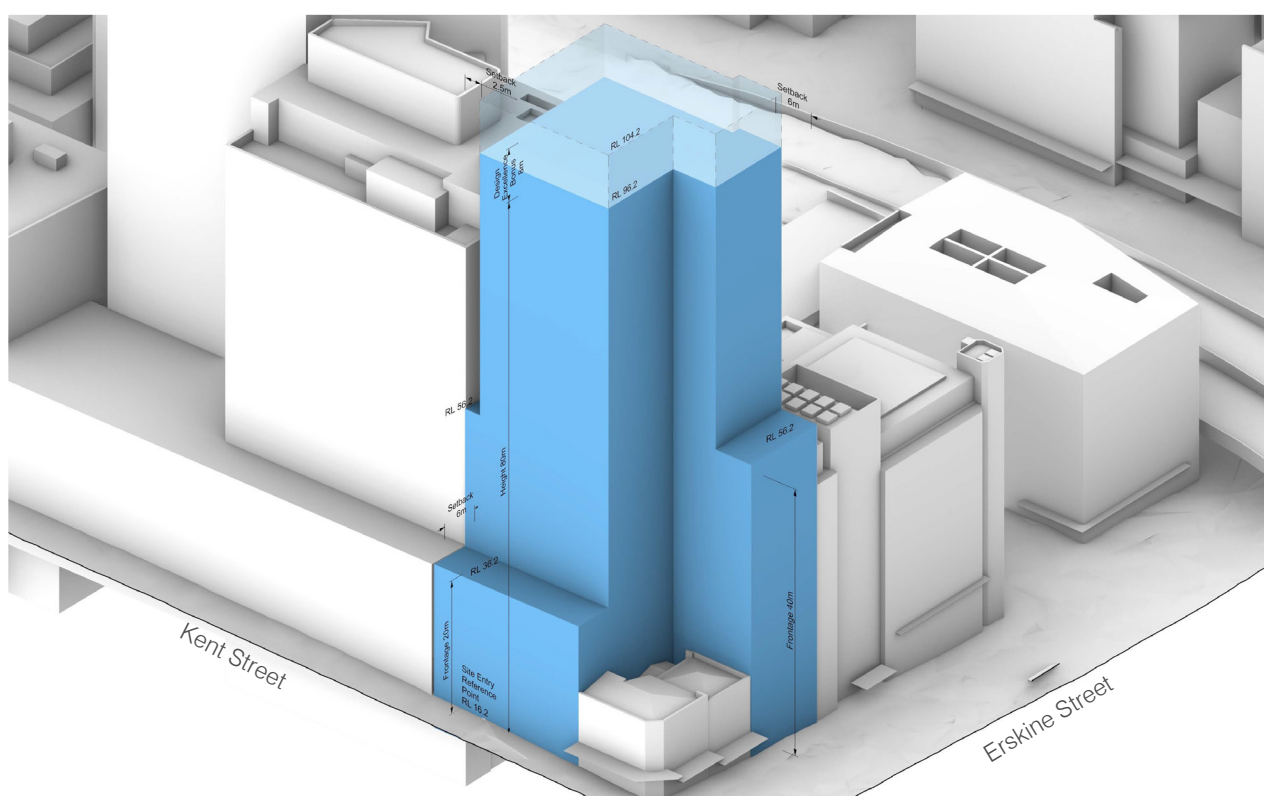


Figure 2. Proposed building envelope  
Source: DBI Architects

In addition to increasing the supply of hotel rooms in Central Sydney, the proposed development supports key objectives of the *Greater Sydney Region Plan*, *Eastern City District Plan*, and *Sustainable Sydney 2030*. The proposal will result in the creation of jobs during construction and operation, support Sydney's function as a one of the world's tourism and major events destinations, will leverage off planned public transport projects including the Sydney Light Rail and the Sydney Metro, and will promote measures which reduce energy, water and waste water demands.

## Consultation

Consultation has undertaken with key stakeholders and this process has informed the preparation of this EIS. This is only the first stage of consultation and stakeholders will be given further opportunities to provide comment through the public exhibition of the EIS, and as part of a future Stage 2 SSDA process.

## Environmental impacts and mitigation measures

This EIS provides an assessment of the environmental impacts of the project in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued 19 November 2018 and provided at Appendix A. Key environmental assessment considerations identified and considered in Section 5 of this EIS include:

- Amenity
- Visual impacts
- Public domain and public access
- Transport and access
- Heritage and archaeology
- Waste
- Biodiversity
- Ecological Sustainable Development
- Soil and contamination
- Water and soils
- Flooding and stormwater

All identified impacts are addressed in this EIS and are capable of being ameliorated through the implementation of appropriate mitigation measures, as outlined in Section 6 of this Report.

## Conclusion

This EIS and its supporting documentation have comprehensively addressed the SEARs and demonstrate that the proposed development will have an acceptable environmental impact, subject to the implementation of appropriate mitigation measures (refer Section 6 of this EIS). The proposed development is consistent with the relevant strategic and statutory planning framework and is therefore considered to have planning merit. Accordingly, the SSDA is recommended for approval.







# 1 Introduction

This section provides an overview of the proposed development and an introduction to this Report

# Introduction

## 1.1 Introduction

This Environmental Impact Statement (EIS) is submitted to the Department of Planning and Environment (DPE), as delegate for the Minister for Planning, in support of a State Significant Development Application (SSDA) at 301-305 Kent Street and 35-39 Erskine Street, Sydney (the site).

This SSDA is a Concept Development Application made under Section 4.22 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). It seeks concept approval for the proposed building envelope, hotel use, pedestrian and vehicular access arrangements, and car parking provision. There are no physical works proposed by the Concept SSDA. Demolition of the existing buildings on site, site excavation, and construction of the proposed development will be the subject of future development approval(s).

Development for cultural, recreation and tourist facilities with a capital investment value (CIV) of more than \$100 million are State Significant Development (SSD) for the purposes of the EP&A Act, as prescribed by item 13(2) of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The proposed development includes tourist and visitor accommodation with a CIV of \$116,776,000 and is therefore declared to be SSD.

This EIS has been prepared by Architectus on behalf of Romanous developments Pty Ltd, and is based on the Building Envelope Plans prepared by DBI (Appendix B) and additional supporting technical reports (Appendix C-V).

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations), and the Secretary's Environmental Assessment Requirements (SEARs) for the proposed development, provided at Appendix A. The supporting information and plans form part of the EIS.

## 1.2 Overview of proposed development

The proposal is a Concept SSDA submitted in accordance with Section 4.22 of the EP&A Act. The Concept SSDA seeks consent for:

- The establishment of a building envelope up to a height of RL 96.2m;
- Use of the site as a hotel (with ancillary uses);
- Pedestrian and vehicular access arrangements; and

- The provision of on-site bicycle and car parking.

A future detailed SSDA (Stage 2 SSDA) will be lodged for the detailed design and construction of the development, following the completion of a competitive design process held in accordance with Clause 6.21(5) of the Sydney LEP 2012 and the Design Excellence Strategy at Appendix V.

The architectural reference scheme for the proposed development prepared by DBI Architects and provided at Appendix B envisages a 29-storey hotel development on the site, comprising:

- A two (2) storey lower podium with entry via Kent Street (Upper Ground) containing a forecourt plaza and hotel lobby, hotel amenities and function rooms, plant, back-of-house (BOH), and rear courtyard terrace;
- 24 storeys of hotel accommodation containing 360 rooms, hotel GFA of up to 10,432 sqm, plant rooms and a rooftop bar and terrace;
- A Lower Ground entry via Erskine Street with up to five (5) levels of basement car parking accommodating 81 car parking spaces (including loading bays), bicycle and motorcycle spaces; and
- An overall GFA of 11,301sqm (FSR 11.0:1).

It is noted that the reference scheme has assumed 10% additional building height, which is provisional upon demonstrating design excellence under Clause 6.21 of the Sydney LEP 2012..

The demolition of existing buildings on the site and excavation of the site may form part of the Stage 2 SSDA, or may alternatively be the subject of a separate development application lodged with the City of Sydney (CoS). This will be determined once project timelines are further resolved.

## 1.3 Objectives of the development

The objectives of the proposed development are to:

- Allow for the future redevelopment of the site for tourist and visitor accommodation, for which there is strategic demand in Central Sydney;
- Contribute to the renewal of Kent Street through a future redevelopment of the site which improves the activation of Kent Street and potentially introduces a recessed forecourt plaza and laneway; and
- Provide an outstanding future built form for the site that will contribute to Central Sydney's western corridor and global city status.

# Introduction

## 1.4 Analysis of alternatives

This section provides an analysis of alternative development options for the site with regard to the building envelope, site planning and design.

### 1.4.1 Do nothing

The 'Do Nothing' approach does not align with the strategic objectives for Central Sydney, being to increase the supply of employment generating floorspace (i.e. commercial and retail floorspace, and/or tourist and visitor accommodation) to support a diverse and resilient economy.

The existing buildings on the site range between two to five storeys. The buildings comprise retail, eateries, a budget hotel and a fitness centre. The existing quantity of floorspace and quality of development on the site is not realising its potential under existing planning controls.

Low grade commercial and accommodation uses are becoming less able to meet the needs of the contemporary visitor, resident and workforce populations of Central Sydney. This is particularly true for this site, being strategically located in close proximity to major tourist and commercial destinations such as King Street Wharf (250m) and Barangaroo (350m).

A redevelopment of the site provides the opportunity to improve the pedestrian experience, particularly within Kent Street, where there has been significant renewal in recent times through the development of 302-304 Kent Street and 151 Clarence Street (which also has a frontage to Kent Street). The recent completion of nearby developments has significantly improved the amenity of Kent Street, which has become an attractor to this part of the City.

Given the opportunities that redevelopment offers, the 'Do Nothing' option would be a poor outcome for the site and for the City more broadly, and has therefore been discounted.

### 1.4.2 Alternative development options

#### Option 1: Retention and refurbishment of existing buildings

The existing development on the site is significantly below the capacity of the land under the planning framework. Its retention and refurbishment would be an under development of a strategic site in Central Sydney and any addition to the building to increase the floor space would present significant challenges in achieving a high-quality design outcome, given the condition and varying ages and architectural styles of the existing buildings on the site. As

concluded in the Heritage Report at Appendix F, none of the buildings on the site warrant listing as heritage items, it is therefore considered that their removal and replacement with a single building exhibiting design excellence is an appropriate outcome for this site.

The site presents the ideal opportunity to provide an increase in employment generating floor space in Central Sydney and provide much needed tourist and visitor accommodation. A redevelopment of the site presents the greatest opportunity to realise this potential, and refurbishment of the existing buildings is therefore not the most appropriate outcome for this site.

#### Option 2: Redevelopment as residential

Similarly to the 'Do Nothing' option, redevelopment of the site for residential purposes is inconsistent with the strategic land use objectives for Central Sydney. The Draft Central Sydney Planning Strategy (CSPS) and associated Planning Proposal outline key objectives for the future of the centre, with the key strategic focus being on increasing the amount of employment generating floor space and limiting the amount of residential development.

It is additionally noted that the applicant currently owns and operates a hotel on the site and total redevelopment of the site for residential accommodation would therefore mean a loss of tourist accommodation in Central Sydney, which would be counterproductive to achieving the strategic objectives for the City.

For the purposes of strategic consistency, redevelopment as residential option has not been considered any further.

#### Option 3: Redevelopment as commercial

The limited site area and irregular shape does not allow viable commercial floor plates to be achieved. The site is irregular in shape ('L' shape) with a total area of 1,028 sqm. Current demand for commercial floorspace in central Sydney is for A-Grade office buildings, a standard of commercial floor space that is defined by building quality, building size, floor plate size and layout, environmental ratings, lifts, amenity and services. A-Grade office buildings comprise high quality buildings with large floor plate sizes, good views, outlook and natural light, accessible from attractive street settings, and exceptionally maintained. Current floor plate demand for A-Grade and Premium-Grade offices range in size from 1,500sqm GFA - 2,000sqm GFA.

Given the limited opportunities for commercial redevelopment, this option has not been considered any further.



# Introduction

## 1.5 Justification

Schedule 2 Clause 7 (1)(f) of the Environmental Planning and Assessment Regulation 2000 requires an EIS must include: *“(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4).”*

Refer to Section 5.14 for a response to ESD principles.

### Project Drivers

The project drivers include:

- There is an acknowledged shortage of tourist and visitor accommodation, including hotel rooms, across Central Sydney. This is recognised in policy and strategy documents across all levels of Government, including:
  - *Tourism 2020* prepared by Tourism Australia in 2011, a “whole of government and industry long-term strategy to build resilience and competitiveness of Australia’s tourism industry and grow its economic contribution”, identifies a key objective is to increase accommodation capacity to support tourism’s significance as an industry for Australia. The Report notes that Australia’s tourism industry contributes nearly \$34 billion to Australia’s GDP, directly employs over 500,000 people and contributes 10% of total export earnings. The Report finds 40,000 - 70,000 new rooms are required in Australia to meet demand. The objective of this Concept (Stage 1) SSDA is to facilitate a high quality hotel building for the site, which will contribute to Sydney’s profile as a global city with world class facilities.
  - *The Final Report of the Visitor and Economy Taskforce*, prepared by NSW Government (NSW Trade and Investment) in 2012 identifies the NSW Government’s target to double overnight visitor expenditure (in nominal terms) in NSW from 2012 to 2020. The report identifies that “*Sydney is reaching capacity with hotel occupancy exceeding 80 per cent per annum (the highest in Australia); it will become increasingly more expensive and uncompetitive unless capacity for growth is found.*” ‘Strategic imperative 2’ of the Report is to grow the physical capacity of hotel rooms and to promote additional visitation in Sydney. Actions to achieve this include ‘Action 5A’ - “*Work with the City of Sydney on future land-use and development standards to be incorporated in the Sydney LEP and DCP to encourage and incentivise visitor*

*accommodation in key Sydney precincts.”* This Concept (Stage 1) SSDA aims to facilitate the development of a 360 room hotel to deliver tourist accommodation in a well-connected and high amenity location within Central Sydney.

- Council’s *Tourism Action Plan* (2013) and *Visitor Accommodation Action Plan (Hotels and Serviced Apartments)* (2015), which seek “*to provide an investment and regulatory environment that supports and encourages visitor accommodation which includes hotels*” as well as prioritisation of visitor accommodation overall as a strategic land use. The *Tourism Action Plan* recognises the shortage in hotel accommodation in Central Sydney, and notes that 5,000 to 9,000 additional hotel rooms will be required in the next decade (to 2023) to meet the demand of growing tourist numbers in Sydney.

Redevelopment of the site represents a significant investment in Sydney’s tourism economy and enables renewal of the site to contribute to the renewal of Sydney’s western corridor.

### Project Benefits

The benefits of this project include:

- The proposal provides the opportunity for much needed hotel development in Central Sydney (indicatively 360 hotel rooms), where there is substantial unmet demand, consistent with the objectives of various relevant strategic plans and policies including the *Greater Sydney Region Plan*, the *Eastern City District Plan*, and the City of Sydney Council’s *Tourism Action Plan and Visitor Accommodation Action Plan*;
- The proposed development will provide for 70-80 full-time equivalent (FTE) jobs during operation and 240 FTE jobs during construction (based on 80 per year for a three year construction program). It is anticipated that the peak workforce during construction will be 140;
- The proposed development provides an opportunity to improve the public domain within Kent and Erskine Streets; and
- As provided by this Report, the proposed development enables the redevelopment of the site without resulting in any significant environmental impacts.

## Introduction

### 1.6 Capital investment value

A Quantity Surveyor's Report has been prepared by WT Partnership and is provided at Appendix K.

As detailed within the Report and in accordance with the definition provided within the EP&A Planning & Assessment Regulation 2000, the capital investment value (CIV) of the proposed development is \$116,776,000 (excl. GST).

### 1.7 Planning approval strategy

The proposal is State Significant Development under Clause 13(2)(a) of the SEPP (State and Regional Development) 2011 and accordingly, the relevant consent authority is the Minister for Planning, or his delegate.

Following the granting of a consent to the Concept SSDA, a competitive design process will be undertaken and a future Stage 2 Comprehensive SSDA will be submitted for assessment and approval.

### 1.8 Secretary's Environmental Assessment Requirements

In accordance with Section 4.39 of the EP&A Act, the Secretary of the DPE issued the requirements for the preparation of the EIS on 19 November 2018. A copy of the Secretary's Environmental Assessment Requirements (SEARs) is included at Appendix A.

Table 2 overleaf provides a detailed summary of the individual matters listed in the SEARs and identifies where each of these requirements has been addressed in this report and accompanying technical studies.

### 1.9 Project team

The project team is set out below:

Table 1. Project team

Applicant	Romanous Developments Pty Ltd
Architect	DBI Design Pty Ltd
Urban Planner	Architectus
Surveyor	Harrison Friedmann & Associates Pty Ltd
Archaeology	Extent Heritage
Aboriginal Cultural Heritage	GML Heritage
Heritage	GBA Heritage
BCA Consultant	Design Confidence
Contamination	Aargus Pty Ltd
Quantity Surveyor	WT Partnership
Ecological Sustainable Development (ESD)	Building & Energy Consultants Australia
Geotechnical Consultant	Chameleon Geosciences
Stormwater and Flooding	LP Consulting Australia Pty Ltd
Structural Engineer	John Romanous & Associates
Services	Romanos Consulting
Traffic Engineer	Varga Traffic Planning Pty Ltd
Pedestrian Consultant	ARUP
Wind Consultant	Windtech
Acoustic Consultant	Acoustic Logic
Waste Consultant	Waste Audit

### 1.10 Quality assurance

This EIS has been prepared by Jane Anderson, Planner and Taylar Vernon, Senior Urban Planner at Architectus with input from John Riordan, Consultant Planner.

Michael Harrison, National Sector Leader - Urban Design and Planning, Architectus, has provided quality assurance and project direction.

# Introduction

Table 2. Secretary's Environmental Assessment Requirements

SEARs Requirement	Specific SEARs issue	EIS Section	Consultant Report / Plan
General Requirements	<b>Clause 6 of Schedule 2 of the Regulations</b> The EIS must address: (a) EIS author (b) Contact details of the responsible person (c) Address of land	Statement of Veracity	
	(d) Development description	Section 3: Proposed Development	Appendix B: Architectural Design Report
	(e) Assessment of impact	Section 5: Environmental Assessment	
	(f) Author's declaration	Statement of Veracity	
	<b>Clause 7 of Schedule 2 of the Regulations</b> The EIS must address: (a) Summary of EIS	Executive Summary	
	(b) EIS objectives	Section 1.3: Objectives of the Development	
	(c) Analysis of feasible alternatives	Section 1.4: Analysis of Alternatives	
	(d) Analysis of development <ul style="list-style-type: none"> <li>– (i) Full description</li> <li>– (ii) General description of environment likely to be affected</li> <li>– (iii) Likely impact on environment</li> <li>– (iv) Mitigation measures</li> <li>– (v) Required approvals</li> </ul>	Section 2: Site and Context Section 3: Proposed Development Section 5: Environmental Assessment Section 6: Mitigation Measures	Appendix B: Architectural Design Report
	(e) Compilation of measures referred to in (d)(iv)	Section 6: Mitigation Measures	
	(f) Justification for carrying out of development	Section 1.5: Justification	
	<b>Environmental Risk Assessment</b>	Section 5: Environmental Assessment	
	Detailed calculation of CIV of development	Section 1.6: Capital Investment Value	Appendix K: Quantity Surveyors Report
	Estimated job creation	Section 1.5: Justification	
Key Issues	1. Environmental Planning Instruments, policies and guidelines	Section 5.2: Strategic Plans, Policies and Guidelines Section 5.3: Environmental Planning Instruments	Appendix Q: Traffic Report Appendix O: Stormwater Report
	2. Design Excellence	Section 5.4: Design Excellence	Appendix V: Design Excellence Strategy



## Introduction

SEARs Requirement	Specific SEARs issue	EIS Section	Consultant Report / Plan
	3. Built form and urban design	Section 3: Proposed development Section 5.5: Building Envelope Height	Appendix B Architectural Design Report Appendix D: Clause 4.6 Variation
	4. Building use	Section 3.1: The Proposed Development	
	5. Staging of development	Section 5.6: Staging of Future Development	
	6. Amenity	Section 5.7: Amenity	Appendix B: Architectural Design Report Appendix S: Wind Report Appendix T: Acoustic Report
	7. Visual impacts	Section 5.8: Visual Impacts	Appendix E: Visual Impact Assessment
	8. Public domain and public access	Section 5.9: Public Domain and Public Access	Appendix B: Architectural Design Report
	9. Transport, traffic, parking and access (Operation)	Section 3: Proposed Development Section 5.10: Transport, traffic, parking and access (Operation)	Appendix Q: Traffic Report Appendix R: Vehicle Access and Pedestrian Impact Report
	10. Heritage and archaeology	Section 5.11: Heritage and Archaeology	Appendix F: Statement of Heritage Impact Appendix G: Aboriginal Heritage Assessment Appendix H: Historical Archaeological Assessment
	11. Waste	Section 5.12: Waste	Appendix U: Waste Management Plan
	12. Biodiversity	Section 5.13: Biodiversity	Appendix X: BDAR Waiver
	13. Ecologically Sustainable Development (ESD)	Section 5.14: Ecologically Sustainable Development (ESD)	Appendix L: ESD Report
	14. Soil and contamination	Section 5.15: Groundwater Section 5.16: Geotechnical Section 5.17: Contamination	Appendix J: Detailed Site Investigation Appendix M: Geotechnical Report
	15. Water and soils	Section 5.15: Groundwater Section 5.19: Flooding and Stormwater	Appendix J: Detailed Site Investigation Appendix M: Geotechnical Report Appendix O: Stormwater Report
	16. Flooding and stormwater	Section 5.19: Flooding and Stormwater	Appendix O: Stormwater Report
	17. Developer contributions	Section 5.20: Developer contributions	
	18. Infrastructure	Section 5.21: Infrastructure	Appendix N: Services Report

## Introduction

SEARs Requirement	Specific SEARs issue	EIS Section	Consultant Report / Plan
	19. Land ownership and tenure	Section 2.3: Legal Description Section 3.3: Access and loading	
<b>Consultation</b>	<p>The applicant must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>Consultation is also required for the following agencies:</p> <ul style="list-style-type: none"> <li>– City of Sydney</li> <li>– NSW Government Architect's Office</li> <li>– Roads and Maritime Services (RMS)</li> <li>– Sydney Coordination Office within Transport for NSW</li> <li>– Sydney Trains</li> <li>– Sydney Metro</li> <li>– Office of Environment and Heritage (OEH)</li> <li>– Office of Environment and Heritage - Heritage Division</li> <li>– Environment Protection Authority (EPA)</li> <li>– Sydney Water</li> <li>– Liquor &amp; Gaming NSW</li> <li>– NSW Police</li> <li>– Ausgrid</li> <li>– Local Aboriginal and community groups</li> </ul> <p>The EIS is to provide a response to issues and brief explanation of any design amendments made.</p>	Section 4: Consultation	Appendix W: Consultation Letter

## 2 Site and context

This section describes the site, its location and context, and provides a site analysis.

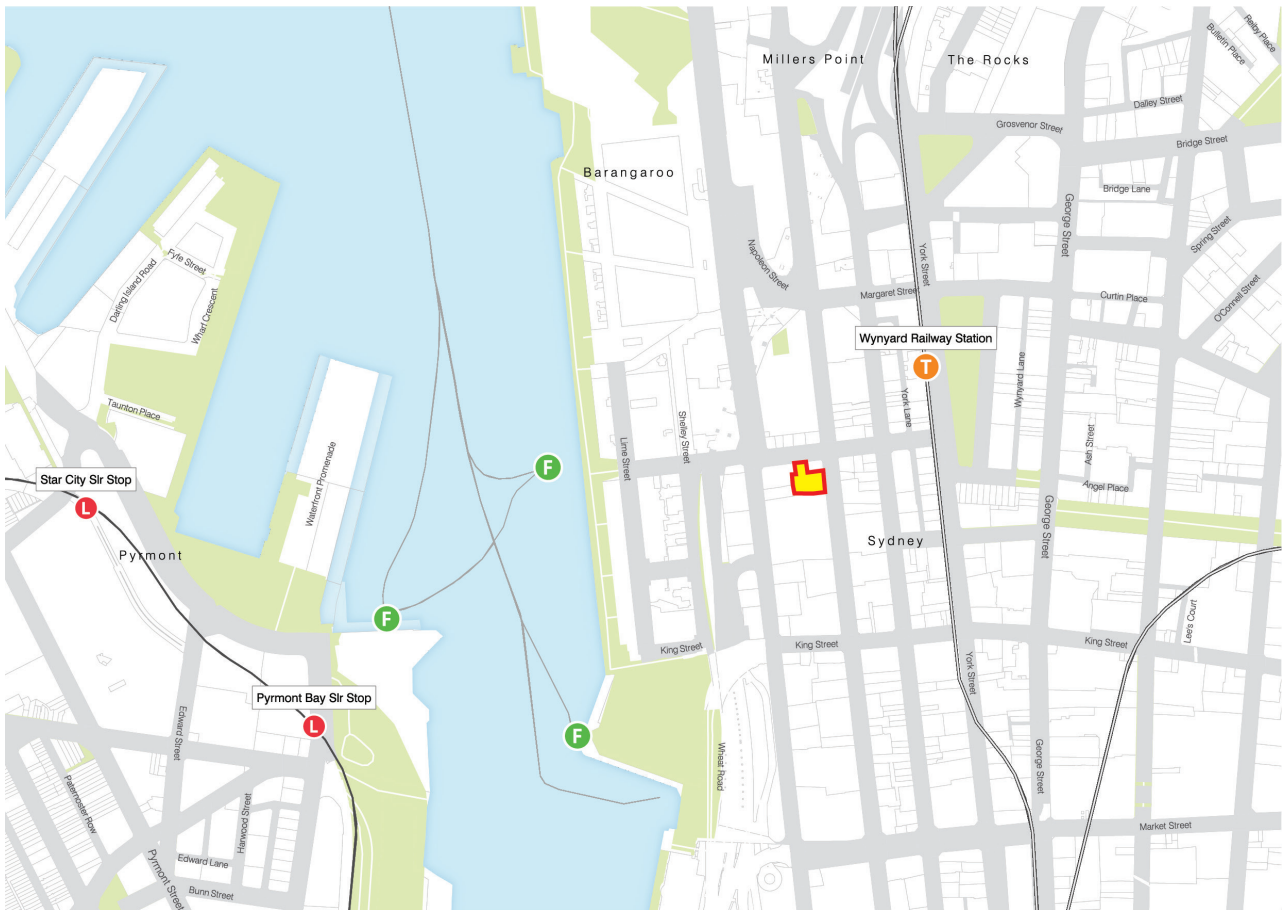


Figure 3. Context map  
The site is located within the western corridor of Central Sydney at the corner of Kent Street and Erskine Street.  
Source: Architectus

## 2.1 Site description

The subject site is located at 301 and 305 Kent Street and 35-39 Erskine Street, Sydney. The site is irregular in shape ('L' shape) with a total area of 1,028 sqm and is located on a large block bound by Erskine Street (north), Kent Street (east), King Street (south) and Sussex Street (west).

The topography of the site falls from east to west along Erskine Street by approximately 4 metres. A Survey Plan is provided at Appendix C.

## 2.2 Site context

The site is situated within the western corridor of Central Sydney, bordered by York Street to the east and Liverpool Street to the south, and which extends west toward Darling Harbour, King Street Wharf and Barangaroo. The western corridor has seen an emerging mix of land uses including high rise commercial, retail, hotel and residential uses.

King Street Wharf is approximately 250m to the west of the site and Barangaroo is approximately 350m to the north-west of the site. Wynyard Park is approximately 170m to the east of the site with Martin Place beyond (approximately 300m from the site).

The closest train station, Wynyard Station, lies approximately 220m to the north-east of the site. The new CBD and South East Light Rail is currently being

constructed along George Street, with the closest Light Rail stop also being at Wynyard. Barangaroo Wharf is located approximately 480m to the north-west of the site. Martin Place Station (650m east) is also within walking distance, as are an array of bus services.

Refer to Context Plan at Figure 3 above.

## 2.3 Legal description

The site comprises a total of six (6) lots, legally described as:

- Lots 1-3 DP 443974;
- Lot 1 DP 76374;
- Lot 1 DP 980369; and
- Lot 305 DP 669166.

The site is owned by Romanous Developments Pty Ltd, who is also the applicant for this SSDA.



## Site and context

### 2.4 Existing development

The site is occupied by these existing buildings:

- 301 Kent Street:  
The existing building at 301 Kent Street is a concrete-framed five storey building built in c.1927 and currently being used as a hotel 'Siesta Inn Sydney'.
- 305 Kent Street:  
The existing building at 305 Kent Street is a four storey brick building built in c.1910 and currently used as a gym and fitness centre.
- 35-39 Erskine Street:  
35-39 Erskine Street comprise three rendered brick retail residential terraces. The terraces were originally constructed as part of a larger row of seven (7) terraces in c.1885.

#### Site access and parking

The site has two street frontages, including a primary frontage to Kent Street (east) and a secondary frontage to Erskine Street (north). Vehicular access to the site is currently from Kent Street, with a driveway located at 301 Kent Street and another at 305 Kent Street. The driveway at 301 Kent Street also permits access to the adjacent property, 299 Kent Street, via a right-of-way (ROW) registered on title. Pedestrian access to the site is currently from both Kent Street and Erskine Street.

Along the eastern side of Kent Street is a dedicated cycleway that stretches from Gas Lane near the Harbour Bridge towards Liverpool Street. The cycleway connects to the Castlereagh Street south cycleway via Liverpool Street, for journeys toward Belmore Park and provides convenient bicycle access to the site.

The driveway to 301 Kent Street accommodates parking for a small number of vehicles.



Figure 4. Existing vehicle access to the site, Existing vehicle access outlined in yellow - viewed from Kent Street looking north-west  
Source: DBI Architects (edited by Architectus)



Figure 5. Existing development on site (viewed from Kent Street and Erskine Street intersection)  
The existing buildings on site outlined in yellow.  
Source: DBI Architects (edited by Architectus)



Figure 6. Existing terraces at 35 - 39 Erskine Street.  
Source: DBI Architects



## Site and context

### 2.5 Surrounding development

The site is generally surrounded by a mix of commercial towers and lower scale heritage buildings. In recent years, the locality has seen the construction of several newer higher rise commercial, residential and hotel development.

The site is immediately surrounded by the the following:

- 1 41-43 Erskine Street and 299 Kent Street, a three storey building accommodating retail, eateries and small businesses adjoining to the north which is DA approved for redevelopment;
- 2 25-33 Erskine Street, an 8-10 storey commercial office building adjoining to the west;
- 3 82-84 Sussex Street, an 8 storey pre-war office building adjoining to the west;
- 4 309-321 Kent Street, a multi-storey commercial office tower adjoining to the south;

- 5 Kent Street to the east, with a commercial office building and heritage listed warehouse beyond; and
- 6 Erskine Street to the north, with heritage listed terrace buildings beyond.

Recently constructed developments within vicinity of the site include:

- *Barrack Place*, 151 Clarence Street, Sydney, a 17-storey A-Grade commercial building (90m south-east);
- *Arc by Crown Group*, 161-165 Clarence Street, Sydney, a 24-storey residential building (150m south-east);
- *West Hotel*, 65 Sussex Street, Sydney, an 8-storey hotel building (100m south-west); and
- *Barangaroo Development*, Sydney, maximum height of 49 storeys (300m north-west).

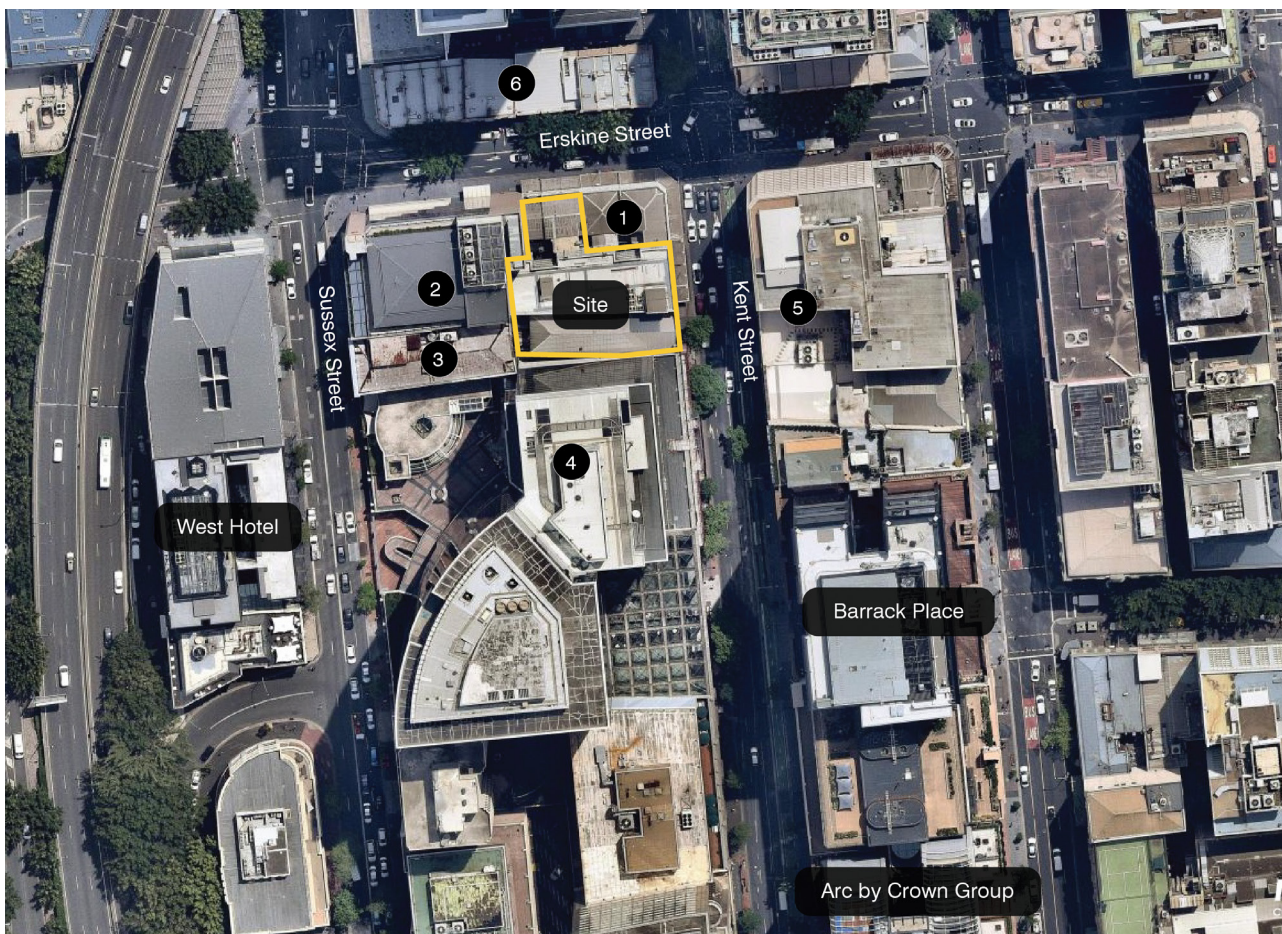


Figure 7. Surrounding development  
The site is outlined in yellow  
Source: DBI Architects (edited by Architectus)



## Site and context



Figure 8. 60-66A Erskine Street (view from the corner of Kent Street and Erskine Street)  
Source: Architectus



Figure 9. 72 Erskine Street (viewed from the corner of Kent Street and Erskine Street)  
Source: Architectus



Figure 10. 117-121 Clarence Street (viewed from the corner of Kent Street and Erskine Street)  
Source: Architectus



Figure 11. 309-321 Kent Street (viewed from Kent Street)  
Source: Architectus



Figure 12. View along Kent Street including the new development at 302-304 Kent Street  
Source: Architectus



Figure 13. View along Kent Street including the new development at 137-151 Clarence Street  
Source: Architectus



## 2.6 Streetscape

The site is situated at the corner of Kent Street and Erskine Street within the Central Sydney western corridor. The character of Kent Street and Erskine Street is described below.

### Kent Street

Kent Street is characterised by its various former brick warehouse buildings. New commercial office tower buildings (including 137-151 Clarence Street and 161 Clarence Street) have commonly used brick as a podium material to maintain the character of the street.

Kent Street is a relatively level street that is occupied by three north-bound lanes of traffic and a bicycle path that connects to Millers Point and the Harbour Bridge to the north, and Town Hall and Haymarket to the south. Street level building frontages are primarily used for commercial lobbies and vehicle access. There are limited retail uses on Kent Street in the area close to the site.

On the western side of Kent Street, where the site is located, there is a consistent street frontage height of approximately 20m. The proposed building envelope has been designed to be consistent with this character.

Immediately to the south of the subject site, 309-321 Kent Street has approval for substantial refurbishment works and, at the time of writing, is under construction. The refurbishment works includes the construction of a new entrance lobby at 309 Kent Street, immediately adjoining the subject site. It is noted that the approved DA included a reduction in the street frontage height to approximately 17m in order to differentiate it from the adjoining building at 321 Kent Street. As demonstrated in the Architectural Design Report at Appendix B and illustrated in Figure 14 below, it is the design intent that the street frontage height may align with the adjacent building. The eventual street frontage height of the proposed development will be confirmed through the competitive design process.



Figure 14. Indicative eastern elevation 309 Kent Street shown to the left of the proposed development  
Source: DBI Architects



Figure 15. Construction of new street wall at 309-321 Kent Street  
Source: Architectus

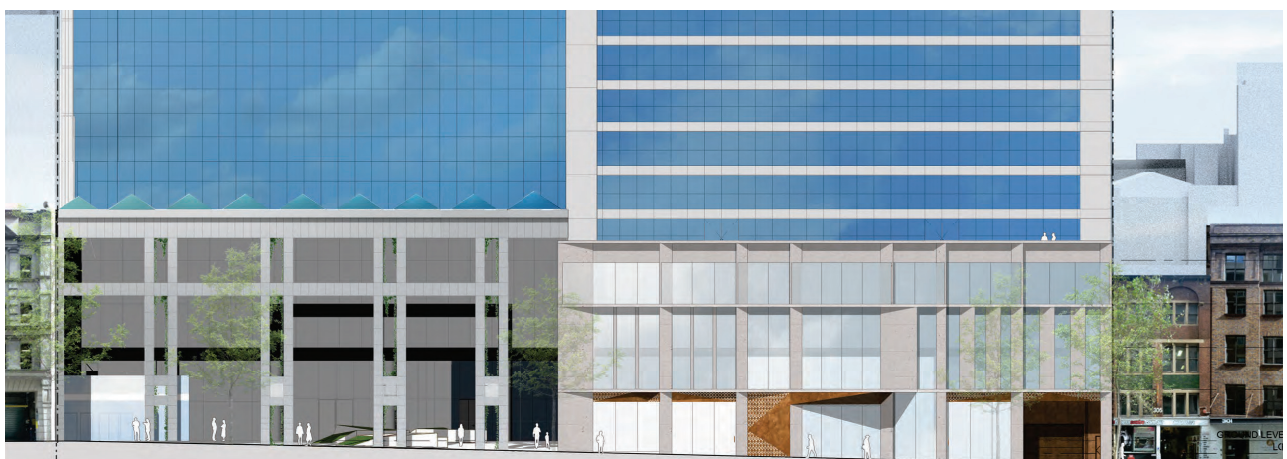


Figure 16. 309-321 Kent Street - Approved eastern elevation  
Source: Rice Daubney Architects

## Site and context

### Erskine Street

Erskine Street extends from Wynyard Park in the east to King Street Wharf in the west and slopes steeply down towards Sydney Harbour. The street is characterised by former brick warehouse buildings, small terrace style retail buildings, corner pubs/hotels towards the east, and more modern commercial tower buildings closer to the western extent of the street.

The street accommodates two lanes of traffic in both east and west directions, and mature trees along the extent of the street. It is occupied at street level by various retail and food outlets and commercial office lobbies.

It is noted that Erskine Street has a less defined street wall height character than Kent Street. The proposed building envelope provides a street frontage height of 44 metres to its Erskine Street frontage, which aligns with the street wall height of the adjacent commercial office building at 25-33 Erskine Street. Refer to the indicative photomontage elevation at Figure 17 below.



Figure 17. Indicative northern elevation  
Source: DBI Architects



Figure 18. View east along Erskine Street  
Source: Architectus



## Site and context

### 2.7 Heritage

The site is not identified as a heritage item nor is it located adjacent to any heritage items. The site is also not located within any heritage conservation area.

There are a number of local and State heritage items located in the vicinity of the site:

#### Local heritage

- 42–50 Erskine Street, 'Commercial Terrace group including interiors', Item No. I1754;
- 52–54 Erskine Street, 'Former "CW Foley & Co" commercial terrace pair including interiors', Item No. I1755;
- 62–66AA Erskine Street, 'Commercial Terrace group including interiors', Item No. I1756;
- 105A Clarence Street, 'Commercial building including interior', Item No. I1715;
- 123–129 Clarence Street (and 252–258 Kent Street), 'Former Edwards Dunlop & Co Warehouses including interiors', Item No. I2274;
- 115 Clarence Street, 'Former Noyes Bros warehouse including interiors', Item No. I2272;
- 339–347 Kent Street, 'Former warehouse facade "The Ambassador"', Item No. I1817; and
- 339–347 Kent Street, 'City Hotel facade (38 King Street)', Item No. I1818.

#### State heritage

- 68–80 Erskine Street, "'Watch House Terrace" including interiors', Item No. I1757;
- 82 Erskine Street, 'Former "Watch House" including interiors', Item No. I1758;
- 153–159 Clarence Street, 'Former "Hoffnung & Co" warehouse including interiors', Item No. I1717;
- 81 Sussex Street, "'Bristol Arms" hotel including interior', Item No. I1955;
- 95–105 Sussex Street, 'Former "Hawken & Vance Produce Exchange" (95–99 Sussex Street) facades and exterior form', Item No. I1956;
- 107–113 Sussex Street, 'Former "Cuthbert's Patent Slip" warehouse including interiors', Item No. I1957; and
- 115–117 Sussex Street, 'Former "Royal George Hotel" including interiors', Item No. I1958.

These items are identified at Figure 19.

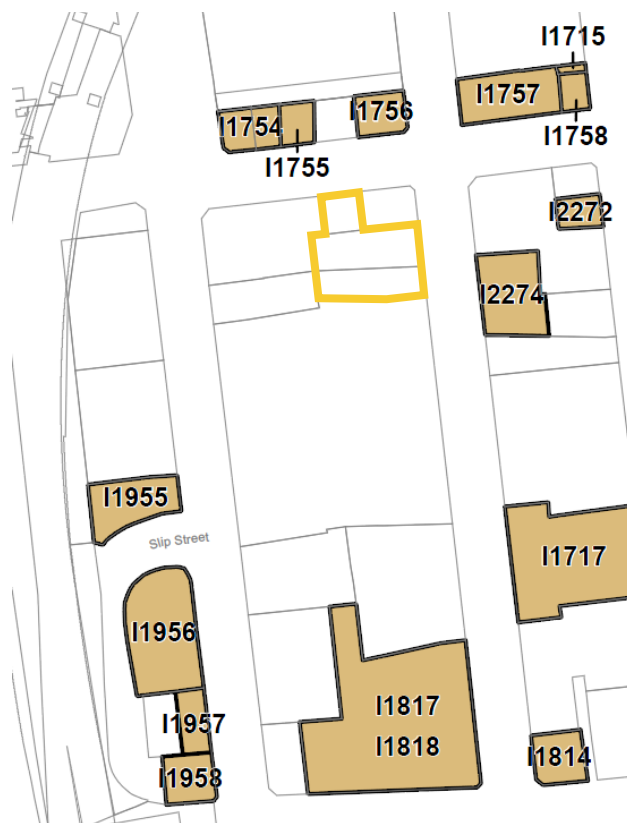


Figure 19. Extract of Sydney LEP 2012 Heritage Map (Sheet HER\_014)

# 3 Proposed development

This section provides a detailed  
description of the proposed  
development



## Proposed development

### 3.1 The proposed development

This Concept (Stage 1) SSDA is submitted in accordance with submitted in accordance with Section 4.22 of the EP&A Act and seeks concept approval approval for a future hotel development on the site, and is accompanied by an Urban Design and Architectural Design Report prepared by DBI Architects at Appendix B. The Report contains proposed building envelope plans for which consent is being sought.

In summary, this Concept SSDA seeks consent for:

- The establishment of a building envelope up to a height of RL 96.2m (illustrated in Figures 20 and 21 overleaf);
- Use of the site as a hotel (with ancillary uses);
- Pedestrian and vehicular access arrangements; and
- The provision of on-site bicycle and car parking.

There are no physical works proposed as part of the subject Concept SSDA. Consent for demolition, excavation, and construction will be subject of future development approval(s). The demolition of existing buildings on the site and excavation of the site may form part of the Stage 2 SSDA, or may alternatively be the subject of a separate development application lodged with the City of Sydney (CoS). This will be determined once project timelines are further resolved.

Clause 6.21(5) of the Sydney LEP 2012 stipulates that consent must not be granted to the proposed development unless it has been the subject of a competitive design process. Accordingly, this Concept SSDA foreshadows a competitive design process to be undertaken in accordance with the Design Excellence Strategy at Appendix V.

Clause 6.21(7) of the Sydney LEP 2012 permits buildings demonstrating design excellence to be granted an additional 10% building height or additional 10% FSR above that which is otherwise permitted by the LEP. The additional 10% building height will be pursued through the competitive design process and future Stage 2 SSDA.

#### 3.1.1 Architectural reference scheme

The Urban Design and Architectural Design Report prepared by DBI Architects at Appendix B contains the architectural reference scheme, being the envisaged future outcome of the proposed development.

The reference scheme is a 29-storey hotel with a maximum building height of RL 104.2m and is therefore inclusive of the additional 10% building height being sought as a result of demonstrating design excellence.

The reference scheme comprises:

- A two (2) storey lower podium with entry via Kent Street (Upper Ground) containing a forecourt plaza and hotel lobby, hotel amenities and function rooms, plant, back-of-house (BOH), and rear courtyard terrace;
- 24 storeys of hotel accommodation containing 360 rooms, hotel GFA of up to 10,432 sqm, plant rooms and a rooftop bar and terrace;
- A Lower Ground entry via Erskine Street with up to five (5) levels of basement car parking accommodating 81 car parking spaces (including loading bays), bicycle and motorcycle spaces; and
- An overall GFA of 11,301sqm (FSR 11.0:1).

The proposed hotel development will be subject of a competitive design process and Stage 2 SSDA, at which point the exact uses, locations of those uses within the building, and GFA will be confirmed. A breakdown of the GFA of the reference scheme is provided in Table 3 below.

Table 3. Location of use and GFA breakdown

Level	Component	GFA
Level 28	Plant	-
Level 27	Bar & Plant	173 sqm
Levels 3 to 26	Hotel rooms	10,432 sqm
Level 2	Hotel dining, function room and terrace	285 sqm
Upper Ground	Reception and administration, bar and lounge, BOH, plant and courtyard terraces	396 sqm
Lower Ground	Car and bicycle parking, waste and EOT facilities	15 sqm
Basement levels 1 to 5	Car parking	-
<b>Total</b>		11,301 sqm
<b>Site area</b>		1,028 sqm
<b>FSR</b>		11.0:1

## Proposed development

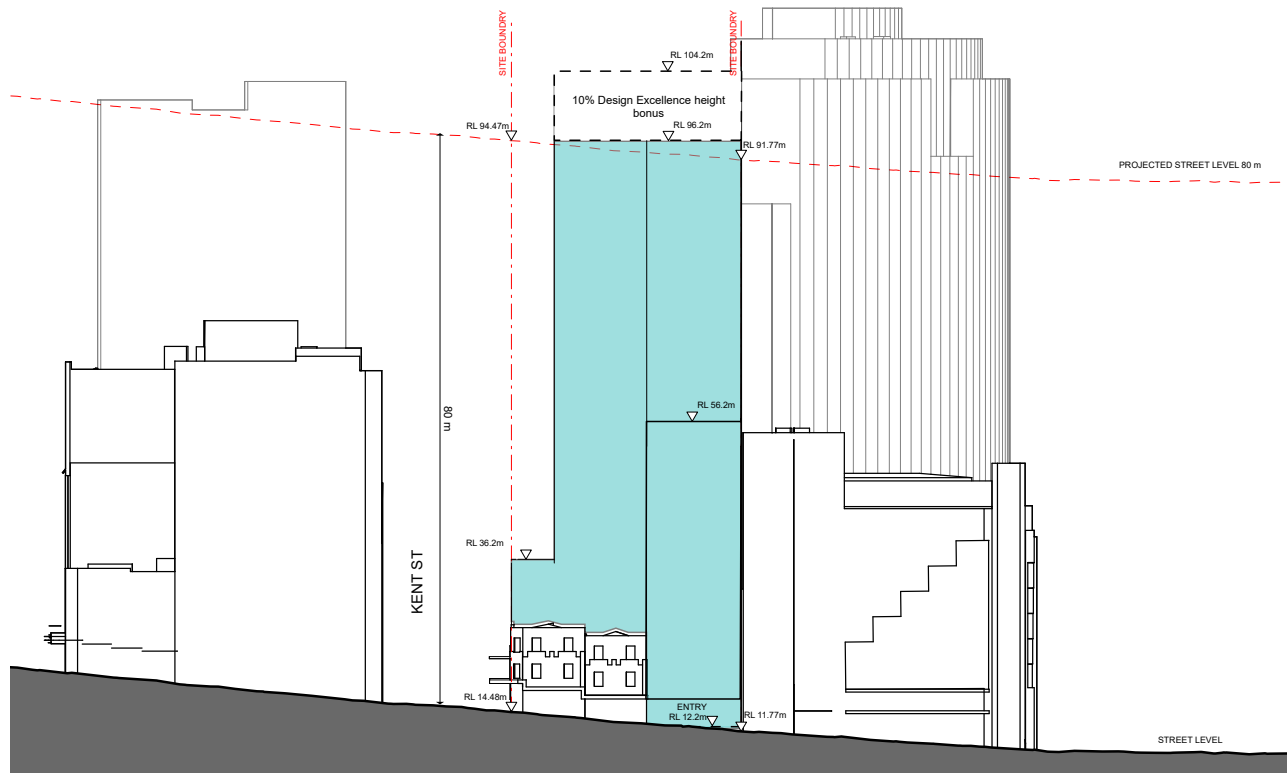


Figure 20. Proposed building envelope (Erskine Street elevation)  
Source: DBI Architects

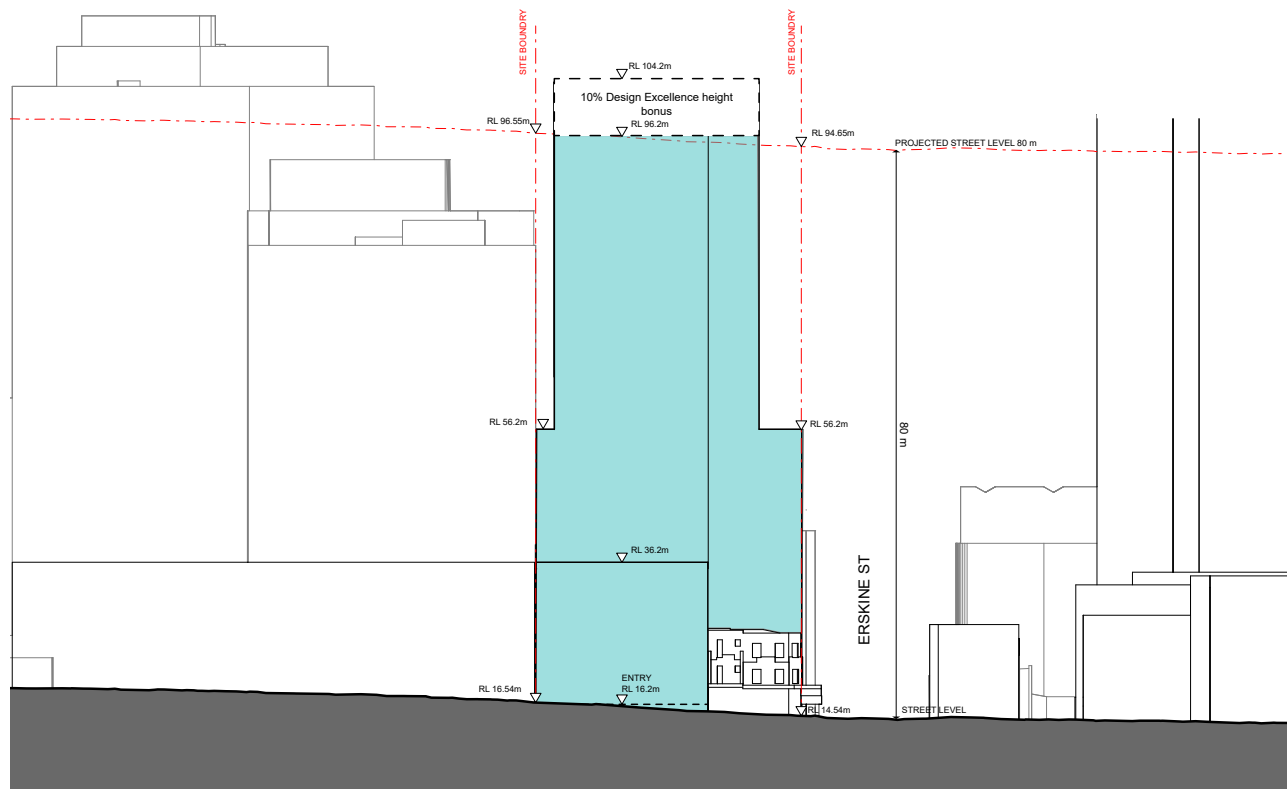


Figure 21. Proposed building envelope (Kent Street elevation)  
Source: DBI Architects



## Proposed development

### 3.2 Building envelope

The Concept SSDA seeks consent for a building envelope. The proposed building envelope has been designed to address the site's irregular geometry, varying topography sloping toward the west, and dual street frontages. Critically, the proposed envelope has been designed having regard to its future relationship with the approved 16-storey hotel development at neighbouring 299 Kent Street (approval granted 19 February 2018), and is sympathetic to the scale of existing development along Kent Street and Erskine Street. The relationship of the reference design with the approved development at 299 Kent Street is illustrated in Figure 22.

The proposed building envelope is provided as three distinct forms:

- Lower podium to Kent Street, up to RL 36.2m (approx. 20m above street level);
- Upper podium to Erskine Street up to RL 56.2m (approx. 44m above street level); and
- Tower up to RL 96.2m (or RL 104.2m as a result of demonstrating design excellence in a future Stage 2 SSDA).

These sections of the proposed envelope are illustrated in Figure 23 below.



Figure 22. Photomontage of indicative scheme 299 Kent Street shown as approved  
Source: DBI Architects

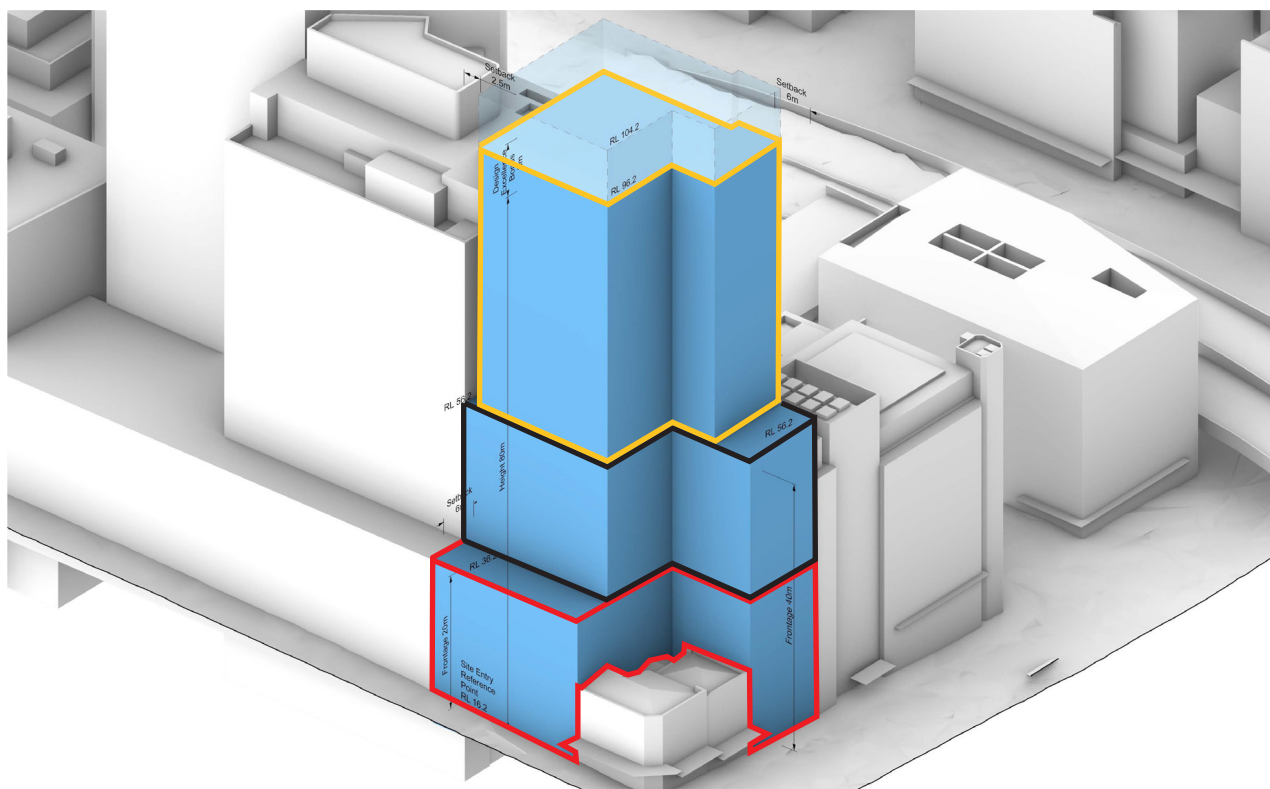


Figure 23. Proposed building envelope  
Lower podium outlined in red, upper podium outlined in black and tower outlined in yellow  
Source: DBI Architects (annotated by Architectus)

## Proposed development

### Lower podium

The lower podium envelope is the lowest section of the building envelope from existing ground level up to RL 36.2m. The lower podium accommodates Lower Ground to Level 1 in the architectural reference scheme. The lower podium section proposes zero setbacks to all site boundaries and street frontages, and will establish the street frontage height to Kent Street, with RL 36.2m being generally 20m above the level of Kent Street at the street frontage.

The lower podium facilitates the future hotel reception and lobby, bar, BOH, terraces and hotel function rooms. Pedestrian access is provided from Kent Street at the Upper Ground Level.

### Upper podium

The upper podium is the section of the building envelope between RL 36.2m and RL 56.2m. The upper podium levels are setback 6m from the western site boundary and 6m from Kent Street.

The setback to the west will enable hotel room windows to be provided which address the western site boundary which achieve adequate visual privacy and outlook.

The setback to Kent Street is consistent with the existing built form character on the western side of Kent Street and will align with the adjoining building to the south at 309 Kent Street.

The upper podium will establish the street frontage height to Erskine Street, with RL 56.2 being generally 44m above the level of Erskine Street at the frontage to the site. The Erskine Street frontage height will align with the height of the street wall building to the west at 25-33 Erskine Street.

### Tower

The tower component of the proposed building envelope is the section of the envelope above RL 56.2m. Within the tower, the setbacks to Kent Street and to the western site boundary are retained. Additional setbacks are proposed to the southern site boundary and to Erskine Street to the north.

The adjoining building to the south (309 Kent Street) has an irregular alignment to the property boundary. It is proposed to maintain a consistent separation of 2.5m to the adjoining building, which results in an angled setback to the southern boundary of between 0m and 2.4m. It is noted that there will be no windows in the subject development addressing the southern boundary and there is therefore no requirement for a setback. The proposed tower separation to 309 Kent Street is proposed in any case, to preserve daylight access and outlook to the adjoining building.

The proposed tower setback of 6m to Erskine Street will provide wind mitigation and allow daylight to be retained to the public domain.

It is noted that no setbacks are proposed to 299 Kent Street for the full height of the building, in anticipation of the future redevelopment of that site. The approved development also provides a zero setback to the shared property boundary for its full height.

Consent is being sought by the subject Concept SSDA for the establishment of a building envelope up to RL 96.2m, in anticipation of a building up to RL 104.2m, following a competitive design process and demonstrating design excellence. The future maximum building height of RL 104.2m is generally 88m in height from the Kent Street frontage.

## Proposed development

### 3.3 Access and loading

The Concept SSDA seeks consent for the proposed pedestrian and vehicular access arrangements to the site.

Kent Street is proposed to remain as the main pedestrian entry to the site (Upper Ground). As depicted in the section in Figure 24 overleaf, the architectural reference scheme envisages the Upper Ground level as containing the hotel lobby and forecourt plaza, bar, and pedestrianised laneway.

Vehicular and bicycle entry is proposed from a new driveway on Erskine Street (Lower Ground) leading to the basement car parking, loading and set-down. The indicative lower ground level plan is provided in Figure 25 overleaf. Wayfinding will be incorporated into the design of future Lower ground level to direct cyclists to the bicycle parking and end-of-trip facilities. This is indicatively shown in the Lower Ground plan at Figure 25 overleaf.

The Kent Street pedestrian access level (Upper Ground) The existing right-of way (ROW) from Kent Street, which benefits 299 Kent Street, will be retained as part of the proposed development. The outcome for this space will be subject of the future design competition, however, is envisaged as an activated space associated with the hotel lobby and potentially providing opportunities for outdoor dining. The existing vehicular cross over which provides access to the laneway will be retained, given it is associated with the easement which benefits the adjoining property. It is noted, however, that no vehicular access to the subject site is proposed from Kent Street and the development approval on the adjoining site does not require vehicular access from Kent Street. Opportunities for the removal of the vehicular crossover will be considered, in negotiation with the adjoining landowner, as the project progresses.

The vehicular entry ramp from Erskine Street will accommodate two-way traffic movement, with pick-up and drop off, loading and servicing, waste storage, and EOT being accommodated at the Lower Ground level, and five (5) levels of basement car parking containing 77 car parking spaces below. Consent is sought through this Concept SSDA for the provision of on-site car parking, however, the quantum of car parking spaces permissible under the Sydney LEP 2012 is dependant upon the number of hotel rooms and accordingly, the number of spaces will be confirmed through the future Stage 2 SSDA.

The indicative basement car park layout provides for two (2) B99 service vehicle bays at Lower Ground, which is sufficient to provide for the service vehicle requirements of the building.

### 3.4 Servicing infrastructure

A Services Feasibility Report has been prepared by Romanos Consulting and is provided at Appendix N. The Report details the availability of infrastructure to service the proposed development. Given the proposal is located within a built-up area in Central Sydney, it is anticipated that the proposed hotel development can connect to existing infrastructure and services.

It is anticipated that a substation will be required to be provided within the basement. Determination of the substation's exact location and requirements, as well as any other required service connections and needs of the proposal, will be addressed in the detailed design of the development as part of the Stage 2 SSDA.

### 3.5 Public art

The proposed development is required to provide public art in accordance with the Sydney DCP 2012 and the City of Sydney *Public Art Strategy*. It is also a requirement of the SEARs that the provision of public art is addressed as part of this proposal.

This section of the EIS provides a preliminary approach to the delivery of public art within the site to accompany the Concept SSDA.

As required by Council's *Interim Guidelines for Public Art in Private Developments* 2006, this plan constitutes a Preliminary Public Art Plan and includes:

- An analysis of the policy and planning requirements,
- Identification of opportunities for public art,
- A proposed methodology for the selection of artists, and
- A methodology to establish a budget for public art and program for inclusion of artists.

A future Stage 2 SSDA will be accompanied by a Detailed Public Art Plan which will include the public art concept(s), a statement detailing the rationale behind the artwork, as well as a program for documentation and integration of the artwork into the construction of the proposed development.

#### 3.5.1 Policy and planning context

Table 4 overleaf provides an overview of the relevant planning and policy context in relation to public art in private developments in the City of Sydney.



## Proposed development

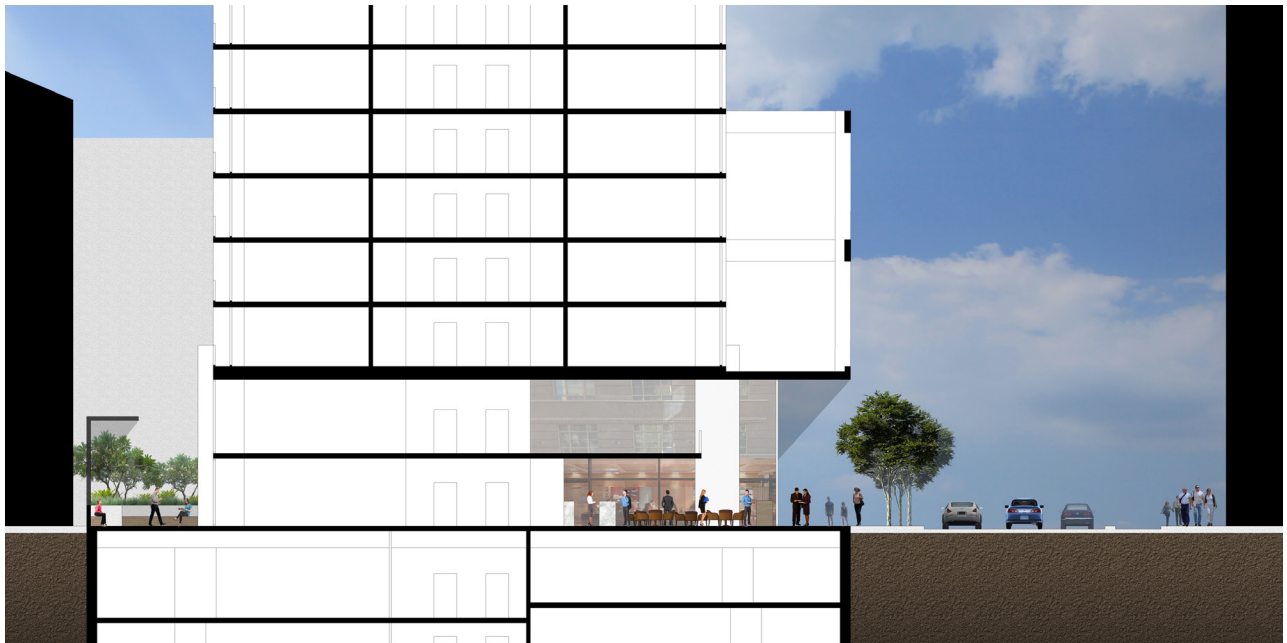


Figure 24. Lower podium section (looking north)  
The lower podium contains a 6m western setback and provides the opportunity for an Upper Ground rear courtyard terrace. To the east at Kent Street a forecourt plaza may be accommodated within the proposed envelope. The reference scheme envisages the entry to the building as a two storey atrium containing the hotel reception, lounge and lobby bar.  
Source: DBI Architects

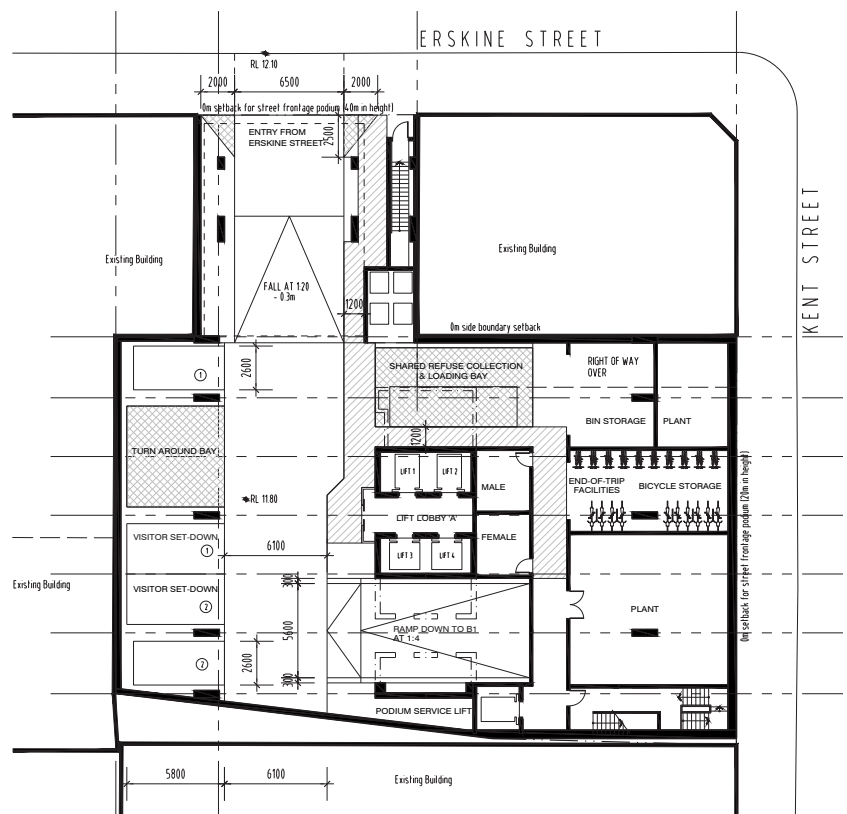


Figure 25. Indicative Lower Ground level plan showing access via Erskine Street.  
Source: DBI Architects

## Proposed development

Table 4. Public art policy

Component	Proposal
<i>Sydney Local Environmental Plan 2012</i>	<p>Clause 7.20(4)(c)(xiv) provides that a development control plan (or alternatively a Concept SSDA in this case) must provide for “the incorporation of high quality public art into the fabric of the buildings in the public domain or in the other areas to which the public has access.”</p> <p>This section of the EIS provides a Preliminary Public Art Strategy in satisfaction of this requirement.</p>
<i>Sydney Development Control Plan 2012</i>	<p>Section 3.1.5 - Public Art of the Sydney DCP 2012 recognises that public art is a defining quality of dynamic, interesting and successful cities. The proposed development presents opportunities to integrate public art into the future public domain from the early stages of the development.</p> <p>This Preliminary Public Art Strategy addresses the Sydney DCP 2012 by:</p> <ul style="list-style-type: none"> <li>– Identifying opportunities for the provision of Public Art within the public domain areas to be delivered by the future development of the site. This is achieved through identification of key locations for the delivery of public art,</li> <li>– Ensuring that public art is considered at the early stages of the development and forms an integrated and cohesive part of the development;</li> <li>– Combining the delivery of public art and public domain within the site as part of future detailed design Stage 2 SSDA; and</li> <li>– Creating opportunities for the recognition of past uses and heritage within the Precinct as part of future public art.</li> </ul>
<i>City of Sydney Public Art Policy (2016)</i>	<p>The City of Sydney Public Art Policy “guides and forms the criteria for the assessment of all public art commissioned by the Council, or acquired by purchase, donation or transfer, as well as providing a framework for the management and promotion of the collection of public art, known as the City of Sydney Public Art Collection, and identified as “City Art’.” (pg.1 Public Art Policy, City of Sydney Council). It also provides useful definitions of what constitutes ‘art’, ‘public art’ and ‘city art’.</p>
<i>City Art Public Art Strategy (2011)</i>	<p>The City Art Strategy seeks to “guide the City’s public art program and significantly contribute to creating the “vibrant cultural and creative city” outlined in the plan.” The Public Art Strategy aims to embed public art into the fabric of the city to reflect Sydney’s unique history, its diverse communities, its creativity, its innovation and its energy.</p>
<i>Interim Guidelines for Public Art in Private Developments (2006)</i>	<p>These guidelines provide a framework for the delivery and provision of public art within publicly accessible areas of private development. Relevant to the proposed development, the proposal requires a multi stage process for the delivery and management of public art within the proposal. These steps are generally as follows:</p> <ol style="list-style-type: none"> <li>1. Preliminary Public Art Plan to be submitted with Concept SSDA.</li> <li>2. Detailed Public Art Plan to be submitted with Stage 2 SSDA.</li> <li>3. Final Public Art Report to be submitted at Occupation Certificate Stage.</li> </ol> <p>It is anticipated that the requirement for a Detailed Public Art Plan this will be imposed as a condition of consent on any forthcoming approval.</p>

## Proposed development

### 3.5.2 Surrounding Public Art

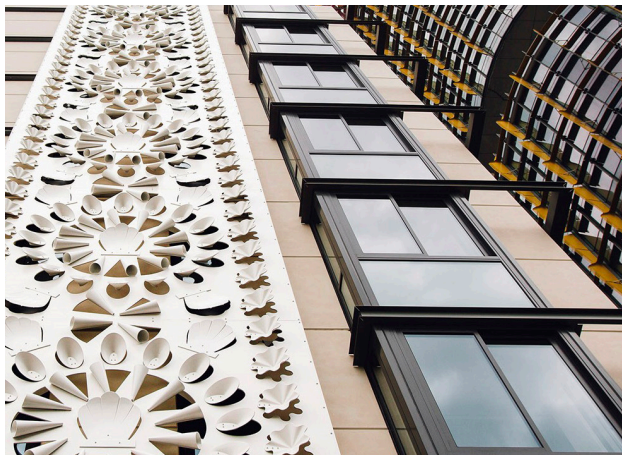


Figure 26. Shell Wall 2015  
The image illustrates the recently installed Shell Wall 2015 on the southern facade of the Alexander Building, Building R8 in Barangaroo South.  
Source: Barangaroo Delivery Authority

#### Shell Wall 2015, Esme Timbery & Jonathan Jones

Capturing the rich and diverse history of the locality, the first public art project in Barangaroo South, a seven storey shell art installation, Shell Wall 2015, is located on the southern facade of the Alexander residential building. The installation is intended to act as a gateway to Barangaroo's waterfront promenade, Wulugul Walk.

The work is a collaboration between Bidjigal/Eora elder and senior artist Esme Timbery and Wiradjuri/Kamilaroi artist Jonathan Jones. The installation celebrates the important shell-work tradition of La Perouse and the contemporary practice of respected artist Esme Timbery, a fourth-generation shell artist.

This is the first public art project to be delivered as part of the Barangaroo Public Art and Cultural Plan, that proposed a strategy for nine priority public art and cultural programs for delivery by 2020.



Figure 27. Anemone  
This image shows the Anemone sculpture in public plaza adjacent to the Macquarie Bank building in King Street Wharf / Barangaroo.  
Source: JMD Design

#### Anemone, JMD Design

The installation consists of four organic shaped tiled vessels, or varying size that are contrasted with a simple 9m high stainless steel column. The vessels conceal exhaust vents from a basement car park below and draws on imagery from artefacts and forms once found in and around Cockle Bay, including small vessels, glass bottles, molluscs and plants found in intertidal habitats.

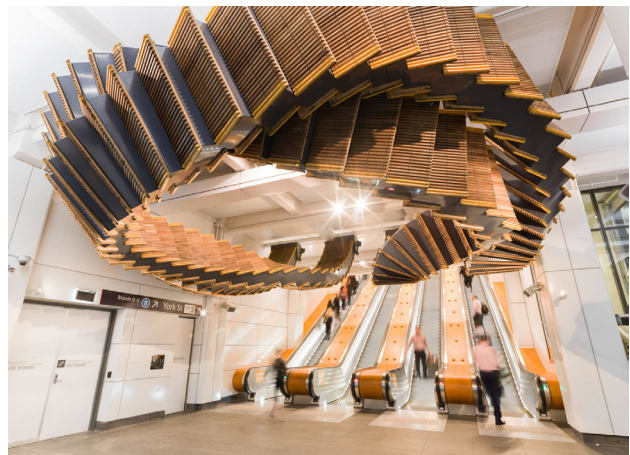


Figure 28. Interloop  
This image shows the Interloop sculpturing hovering above the escalators providing connection between Wynyard Train Station and York Street.  
Source: Chris Fox

#### Interloop, Chris Fox

Interloop was installed in 2017 as part of a \$100 million renewal and redevelopment of Wynyard Station. The artwork is positioned above the York Street escalators of Sydney's heritage-listed Wynyard railway station. The tumbling and looping form is composed of 1930s TIS escalator treads. The intention of the artwork is to pay homage to the past, while also looking forward to the future.



## Proposed development



Figure 29. Public Art Intent  
This plan illustrates potential locations for public art within the proposal, and some precedent images of potential art installations.  
Source: DBI Architects

### 3.5.3 Public art opportunities

In keeping with Council's public art strategy, the site specific art plan for the proposal presents an opportunity:

- To present a building form that is complementary to the area's context and urban footprint; and
- To provide public art which will positively contribute to the revitalisation of Kent and Erskine Streets and encourage people to the site.

The proposed ground level setback from Kent Street provides opportunities for public art that would be visible from within Kent Street.

The proposed laneway adjoining the northern boundary of the site and accessed from Kent Street provides opportunities for hanging public art pieces, and the large blank southern facade of 299 Kent Street provides creative opportunities for artistic expression of the elevation, such as a mural, or the artistic use of cladding (this would be subject to the agreement of the adjacent landowner).

### 3.5.4 Precedents

Although subject to detailed design and public art selection, it is envisaged that the provision of public art as part of the proposed development may comprise art of the following varieties:

- Sculptures;
- Hanging sculptural art;
- Mural(s); and
- Architectural treatment and material (cladding etc.)

## Proposed development

### 3.5.5 Public art selection and program

A curatorial approach is proposed for the provision of Public Art within the proposed development of 301-305 Kent Street and 35-39 Erskine Street, Sydney (the site).

#### Principles

In order to deliver a high quality outcome for the site, the curatorial approach would need to be underpinned by several key principles. These would need to be finalised as part of the final Detailed Public Art Plan provided as part of any Stage 2 Detailed Design SSDA and would need to address a range of matters including:

- Role and function of the curator - this would identify the key roles and responsibilities for the curator.
- Relationship of curator to artists - this would provide the parameters for the management of artists by the curator including selection process, ongoing roles and responsibilities of both parties.
- Vision for Public Art - to be in line with Council's site specific public art plan and public domain plan.
- Key elements for consideration in commissioning of work - a series of objectives to be followed and achieved in commissioning artists for work.
- Constitution of Selection Panel - this would identify members of the selection panel, alternates and number of members.
- Assessment Criteria - development of the assessment criteria which is used to assess the public art by selection panel.

#### Methodology for selection and commissioning

The indicative methodology is outlined below.

1. Engage a curator.
2. Curator consults with Council.
3. During the competitive design process (prior to a future Stage 2 SSDA), competitors will be required to nominate locations for public art that satisfies the objectives of the Public Art Strategy.
4. Running concurrently with the Stage 2 SSDA process, the Curator selects 3 artists to prepare and present proposals to the Selection panel, comprising the designer of the winning architectural scheme and proponent.
5. Selection panel considers proposed art works and considers against the assessment criteria, and selects a winning scheme.

6. On completion of the competition, the winning scheme will be developed into a detailed Public Art Plan. The detailed Public Art Plan will be prepared in accordance with the *City of Sydney Public Art Policy* and *City of Sydney Guidelines for Public Art in Private Development*.
7. Successful artist works with landscape architect, Council and the curator to implement the public art work.
8. The Final Public Art Plan will be submitted with The City of Sydney demonstrating delivery of the public art and fulfilment of the public art commitment prior to issue of the final Occupation Certificate.







## 4 Consultation

This section provides details of the consultation undertaken for this proposal and discusses the findings and actions.

## 4.1 Consultation

The proponent has undertaken consultation with key stakeholders and this process has informed the preparation of this EIS. This section of the EIS details the parties with whom consultation was undertaken and the outcomes of that consultation process. It is important to note that this is only the first stage of consultation and that key stakeholders will be given further opportunities to provide comment through the public exhibition of the EIS, and as part of a future Stage 2 SSDA process.

Table 5 below details the nature and outcome of consultation undertaken with the relevant stakeholders as part of the preparation of the EIS.

Table 5. Stakeholder consultation

Stakeholder	Nature of consultation	Consultation outcome
The City of Sydney Council	<p>An initial meeting with the City of Sydney was held on 1 November 2018. This meeting was intended as a pre-development application meeting, however, shortly before the meeting the CIV was received and the SSD status of the proposal became known.</p> <p>After the SEARs were issued, a second meeting was held with the City of Sydney on 31 January 2019 to discuss the proposed development.</p>	<p>As an outcome of the initial meeting, it was the applicant's view that the key issue from Council's perspective related to the proposed access from Erskine Street. Subsequent to that meeting, ARUP were engaged to undertake a pedestrian assessment for the proposed driveway location. This included undertaking pedestrian traffic counts to understand pedestrian movements around the site. The outcome of that analysis was presented at the second meeting with Council and is detailed in Section 5.10 of this EIS and within the Vehicular Access and Pedestrian Impact Report at Appendix R. Additionally, at the second meeting, matters relating to vehicular and bicycle circulation within the proposed development were discussed. These matters are addressed in Section 3.3 of this EIS and the Traffic Report at Appendix Q.</p>
NSW Government Architect's Office (GANSW)	<p>The proponent met with the NSW Government Architect's Office on 22 January 2019 to discuss the proposed development. The meeting related mostly to the proposed design excellence competitive design process.</p>	<p>Where possible, comments received at the meeting in relation to the Design Excellence Strategy (Appendix V) have been integrated and addressed in the Strategy. Some of the information requested at the meeting, such as the architects who will be invited to compete and the fee to be paid to competing architects, has not yet been finalised and will be resolved at a later stage in consultation with GANSW, prior to the commencement of the design competition.</p>
Roads and Maritime Services (RMS)	<p>RMS were consulted with in the preparation of the Traffic Impact Assessment and were given the opportunity to review the draft report.</p>	<p>RMS advised in an email dated 20 December 2018 that they had no comment on the proposal prior to lodgement.</p>
Sydney Trains	<p>Sydney Trains were consulted through the preparation of the Services Report (Appendix N).</p>	<p>Sydney Trains response indicates high voltage underground infrastructure along both frontages of the development. It is unlikely that these will be affected by the development, but depending on the augmentation of services associated with the development, will need to be considered in future detailed design. This will be further considered in the preparation of a future Stage 2 SSDA and prior to any works on the site.</p>

## Consultation

Stakeholder	Nature of consultation	Consultation outcome
Sydney Metro	The site is not located within any existing or proposed metro corridor. In any case, Sydney Metro were informed of the proposal by email and given the opportunity to comment.	No response received.
Sydney Coordination Office within Transport for NSW	<p>The Sydney Coordination Office were contacted via email dated 19 December 2018 to provide comments on the proposed development. A response was received on 20 December 2018 providing additional requirements to be addressed in the Traffic Report. This included:</p> <ul style="list-style-type: none"> <li>– Information regarding the proposed pick-up and drop off arrangements;</li> <li>– Arrangements for coach pick up and drop off;</li> <li>– Additional information on the loading and servicing requirements of the proposed development;</li> <li>– Additional intersection modelling; and</li> <li>– Identification of construction work zones.</li> </ul>	<p>The Traffic Report (Appendix Q) has responded to these matters.</p> <p>Importantly, the Traffic Report notes that The majority of hotel and serviced apartment developments in Sydney do not make any provision for on-site bus/coach parking. Having considered the size of the site and its location in Central Sydney, the on-site bus/coach requirement is both unfeasible and unnecessary.</p>
The Office of Environment and Heritage (OEH)	OEH were given the opportunity to review the proposed development as part of the request to waive the requirement for a BDAR.	OEH reviewed the biodiversity values of the site and determined that the proposed development is not likely to have any significant impact, and that a BDAR is therefore not required.
The Office of Environment and Heritage - Heritage Division	The Heritage Division of OEH were contacted via email dated 8 January 2019 seeking comment on the proposed development.	A response was received by email on 10 January advising the Heritage Division has no comment on the proposal, given it does not impact on any State heritage items.
Environment Protection Authority (EPA)	The EPA advised in their response to DPE while preparing the SEARs that they had no comments and no further interest in the proposal.	No further consultation required.
Sydney Water	Sydney Water were consulted in the preparation of the Services Report (Appendix N).	An email was received from Sydney Water dated 14 September 2018 confirming the on-site detention (OSD) requirements and relevant approvals required (Section 73). These matters have been considered in the Concept SSDA, but will be confirmed as part of the future Stage 2 SSDA.
Liquor & Gaming NSW	Liquor & Gaming NSW were notified of the proposed development by email and given the opportunity to comment.	No response received.
NSW Police	NSW Police were notified of the proposed development by email and given the opportunity to comment.	No response received.
Ausgrid	Ausgrid were consulted with during the preparation of the Services Report. In an email dated 22 January 2019, Ausgrid detailed the requirement for a substation to be provided within the proposed development.	Allowance has been made for the provision of the required substation within the design of the building envelope and reference scheme. This matter will be further resolved as part of a future Stage 2 detailed SSDA.



## Consultation

Stakeholder	Nature of consultation	Consultation outcome
Local Aboriginal groups	Consultation with local Aboriginal groups is currently being undertaken in preparing the ACHAR.	The outcomes of this consultation will be known and provided to the consent authority prior to the determination of the subject SSDA.
Local community groups	The City of Sydney advised in an email dated 19 December 2018 that there were no specific community groups with whom consultation needs to be undertaken and that consultation with the affected neighbours would suffice.	No further consultation required.
Adjoining landowners	<p>A letter dated 9 January 2019 (Appendix W) was issued to adjoining landowners advising of the proposed development. Responses were received from representatives of the following properties:</p> <ul style="list-style-type: none"> <li>– 309 and 321 Kent Street;</li> <li>– 123-129 Clarence Street; and</li> <li>– 33 Erskine Street.</li> </ul> <p>The matters raised in those responses are summarised and addressed here.</p>	<p><b>Impacts from demolition and construction works</b></p> <p>Two of the responses raised concerns associated with the impact of demolition and construction works, including matters such as noise, dust, and structural impacts. These matters are not relevant to the current concept proposal, but to the future detailed design proposal and will be considered in detail at that stage through the preparation of a Construction and Demolition Management Plan, that would support the future Stage 2 SSDA.</p> <p><b>Overshadowing</b></p> <p>General concerns regarding the overshadowing of the existing building at 33 Erskine Street and specifically the solar array on the roof of that building were raised. An increase in the setback above the podium in Erskine Street from 6m to 8m was requested to address this issue.</p> <p>Overshadowing of three key areas to the south of the site at 309 and 321 Kent Street were raised:</p> <ul style="list-style-type: none"> <li>– Proposed level 4 terrace at 309 Kent Street;</li> <li>– Publicly accessible areas within 309-321 Kent Street; and</li> <li>– Adjoining childcare centre at 309 Kent Street.</li> </ul> <p>Shadow diagrams have been prepared for the proposal and are provided at Appendix B and the impact of overshadowing is discussed in Section 5.7.2 of this EIS.</p> <p><b>Stormwater</b></p> <p>One of the submissions sought confirmation that the proposed 'upstream' development would not detrimentally impact their property.</p> <p>Details of the proposed stormwater management system based on the architectural reference scheme, is provided in the Stormwater Management Report at Appendix O.</p> <p>Stormwater management will be further resolved through detailed design and a future Stage 2</p>

## Consultation

Stakeholder	Nature of consultation	Consultation outcome
		<p>SSDA, to ensure consistency with the relevant guidelines and policies, and that there will be no unacceptable impacts.</p> <p><b>Driveway location/Access</b>  Concerns were raised in relation to the proximity of the proposed Erskine Street driveway relative to the main entry to 33 Erskine Street.</p> <p>Detailed consideration of the impact on the proposed driveway location has been undertaken in the Vehicle Access and Pedestrian Impact Study at Appendix R. The study finds that pedestrian volumes in Erskine Street are significantly lower than in Kent Street and also that the southern side of Erskine Street experiences significantly less pedestrian traffic than the northern side, due primarily to the location of pedestrian crossings to the east of the site. The study concludes that Erskine Street is the most suitable location for the driveway to be located and provides mitigation measures to emphasise pedestrian priority.</p> <p><b>Integration with approved development at 309 Kent Street</b>  Comments were raised concerned with the relationship between the height of the proposed podium and the approved development immediately to the south of the site at 309 Kent Street. The proposed development at 309 Kent Street has a podium height of 17m in Kent Street, which is below the proposed 20m podium height of the subject SSDA.</p> <p>The height of the podium at 309 Kent Street immediately to the south of the subject site has been reduced to differentiate it from the adjoining, connected building at 321 Kent Street. The Sydney DCP 2012 provides that the street frontage height of a building in Central Sydney must be between 20m and 45m, and that the street frontage height should be set with regard to the predominant street frontage height of adjacent buildings and buildings in the vicinity. The proposed 20m street frontage height is consistent with the predominant street frontage height along the western side of Kent Street. The podium height of 309 Kent Street is an outlier in this context.</p> <p>In any case, the reference scheme provides a void behind the street wall and does not contain GFA in this area of the envelope. The street wall height may therefore be reduced if necessary with no implications on floor space. Indeed, this is illustrated in 'Section 9 - Architectural Intent' of the Architectural Design Report at Appendix B.</p>

## Consultation

Stakeholder	Nature of consultation	Consultation outcome
		<p>The proposed street frontage height of 20m is proposed as the maximum extent of the envelope, therefore allowing flexibility for a reduced street frontage height if this is the outcome of the competitive design process and future Stage 2 SSDA.</p> <p><b>Setback to southern boundary</b> Concerns were raised regarding the proposed setback to the southern boundary. It is proposed to provide an angled setback to the southern boundary, due to the irregular alignment of the existing building to the south being misaligned with the shared property boundary. The proposed setback of the proposed building envelope will provide a consistent 2.5m setback to the northern face of the adjoining building.</p> <p>The adjoining building to the south at 309 Kent Street was approved and built with a non-compliant setback to its northern boundary and there is no easement in place over the subject site requiring light and air to be maintained to that building. Given there are no windows proposed adjacent the southern boundary in the proposed development, there is no requirement under the relevant planning controls for a setback to the southern boundary.</p> <p>The proposed 2.5m setback to the adjoining building is not required and is provided only for the benefit of the adjoining building, so as to avoid having the impact of closing up existing windows located on the property boundary. This is considered a reasonable proposal under the circumstances and a better planning outcome.</p> <p><b>Building height assumes design excellence</b> A comment was received noting that the proposed building height in the plans provided assumed the award of a 10% design excellence bonus. The plans have since been amended to clarify the maximum building height for which consent is being sought and the additional building height which will be subject of design excellence.</p>

### 4.1.1 Ongoing Consultation

The EIS will be publicly exhibited for a minimum of 30 days, in accordance with Clause 83 of the EP&A Regulation 2000 and notified to relevant government agencies as part of the assessment process. It is anticipated that the proponent will be given the opportunity to respond to any submissions received at the conclusion of the exhibition period.



# 5 Environmental assessment

This section provides the environmental assessment of the proposal and addresses the assessment requirements of the SEARs

## Environmental assessment

*This Section contains an environmental assessment of the proposed development in accordance with Section 4.15 of the EP&A Act. This Section also provides a response to the Secretary's Environmental Assessment Requirements (SEARs) issued by the Director-General.*

*The findings of this assessment are addressed by the mitigation measures at Section 6.*

### 5.1 Secretary's Environmental Assessment Requirements

The Secretary's Environmental Assessment Requirements (SEARs) were issued for the proposed development on 19 November 2018, and are listed at Table 1 of this Report. The full list of requirements is also provided at Appendix A.

Each of the individual matters listed in the SEARs has been addressed within this EIS and in the accompanying technical studies.

### 5.2 Strategic plans, policies and guidelines

This EIS includes an assessment of the proposed development against the following strategic plans, policies and guidelines, in accordance with the issued SEARs.

The proposal has been assessed and found to be generally consistent with these, as detailed within Table 6 below and the following sections of this EIS.

Table 6. Consistency with relevant strategic plans, policies and guidelines

Strategic plans, policies and guidelines	Response
NSW State Priorities	<p>The <i>NSW State Priorities</i> identify 12 priorities for NSW. The proposal is consistent with the objective of 'Creating jobs' in the State:</p> <ul style="list-style-type: none"><li>– Jobs will be created through the construction works necessary to facilitate the hotel; and</li><li>– The indicative scheme results in the creation of 360 hotel rooms, reception, ground floor reception and a rooftop bar, and will facilitate jobs through its ongoing operation.</li></ul>
Future Transport Strategy 2056	<p>The <i>Future Transport Strategy 2056</i> is an update of NSW's Long-Term Transport Master Plan and sets the 40-year vision, directions and outcomes framework for mobility in NSW. The proposal is consistent with the strategy's outcome 'Successful Places', as the proposal:</p> <ul style="list-style-type: none"><li>– Provides higher density development in close proximity to nearby public transport nodes, including Wynyard Station, Barangaroo Wharf, and the future CBD and South East Light Rail stop at Wynyard, under construction; and</li><li>– Will be strategically positioned within Central Sydney, for which there is demand for hotel uses, and will be amongst facilities and services accessible via public transport and walking to support the proposed use.</li></ul> <p>The proposed development provides for a basement that can accommodate car parking in accordance with the prescribed maximums under the Sydney LEP 2012. The reference scheme provides car parking for 77 vehicles, however, the final number of spaces will be confirmed through the Stage 2 SSDA.</p>

## Environmental assessment

Strategic plans, policies and guidelines	Response
Greater Sydney Services and Infrastructure Plan; and Tourism and Transport Plan	<p>The <i>Greater Sydney Services and Infrastructure Plan</i> is the 40-year plan for transport in Sydney and is designed to support the vision for land use. It establishes the specific outcomes transport customers in Greater Sydney can expect and identifies the policy, service and infrastructure initiatives to achieve these.</p> <p>The Tourism and Transport Plan is a key Supporting Plan to the Future Transport Strategy 2056. The Plan focuses on what the Transport sector can deliver on the NSW Government's state-wide toward targets for the visitor economy.</p> <p>The proposal facilitates the future construction of a new 29 storey hotel in an accessible location within Central Sydney and is considered to support the desired outcomes of the Plans.</p>
Better Placed – An integrated design policy for the built environment of New South Wales	<p><i>Better Placed</i> was released by the Government Architect NSW (GANSW) in September 2017 and responds to the NSW Priorities. The policy articulates the design of good urban environments through its design principles. The proposal responds to the relevant design principles as detailed below:</p> <p><i>Better fit: contextual, local and of its place</i> As detailed in Section 3 of this report, the proposed building envelope is informed by site analysis and has been designed to promote visual continuity with existing and future developments, and contribute to the future character of its western corridor setting. A future Stage 2 SSDA will be prepared for the detailed design of the proposal, in which the proposal can be made to respond to its location, context and setting.</p> <p><i>Better performance: sustainable, adaptable and durable / Better working: functional, efficient and fit for purpose / Better value: creating and adding value</i> This Concept SSDA seeks approval for a building envelope that can provide for a future hotel development, as demonstrated by the architectural reference scheme contained within the Urban Design and Architectural Design Report at Appendix B, that can provide for a hotel development which includes a forecourt plaza, reception, BOH facilities, terraces and associated hotel facilities such as for hotel dining and lounges. These uses will be developed within the future Stage 2 SSDA to ensure that design of the eventual building allows adaptability and maximises usage by visitors and hotel guests. Detailed design will also ensure that the proposal meets energy and sustainability standards and create a high performing built outcome.</p> <p><i>Better look and feel: engaging, inviting and attractive</i> The indicative scheme supporting the proposed building envelope demonstrates that the site can accommodate a ground floor forecourt plaza and new right-of-way laneway on Kent Street that would improve the visual quality and amenity of the public domain surrounding the site. The proposal will be subject to detailed design following a design competition and Stage 2 SSDA.</p>



## Environmental assessment

Strategic plans, policies and guidelines	Response
Draft Better Placed: Design Guide for Heritage	<p>The Draft <i>Better Placed: Design Guide for Heritage</i> was released by the Heritage Council of NSW and NSW Government Architect in May 2018 and seeks to create good design in heritage places. The site is not a heritage place, however it is in the vicinity of various heritage sites.</p> <p>As provided in the Statement of Heritage Impact (SHI) at Appendix F, the site is physically and visually separated from nearby heritage items and will therefore not have a heritage impact.</p>
Guide to Traffic Generating Developments (RMS)	The RMS <i>Guide to Traffic Generating Developments</i> has been considered in the preparation of the Traffic Impact Report at Appendix Q.
Greater Sydney Region Plan	<p>The <i>Greater Sydney Region Plan: 'A Metropolis of Three Cities'</i> was released by the Greater Sydney Commission in March 2018 and sets a 40-year vision and a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters.</p> <p>As a key strategic plan to this proposal, Section 5.2.1 provides a detailed assessment against this Plan.</p>
Eastern City District Plan	<p>The <i>Eastern City District Plan</i> is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.</p> <p>As a key strategic plan to this proposal, Section 5.2.2 provides a detailed assessment against this Plan.</p>
Sydney's Cycling Future	The overarching goal of <i>Sydney's Cycling Future</i> is to make cycling a safe, convenient and enjoyable transport option for short trips. It details the NSW Government's intentions to plan, prioritise and provide for cycling in Sydney. The proposed development, through its provision of bicycle parking for occupants of the future building, would assist in achieving the goal of the policy.
Sydney's Walking Future	<p><i>Sydney's Walking Future</i> seeks to encourage walking as transport through actions that make it a more convenient, better connected and safer mode of transport. The NSW Government publication provides a focus on solutions that promote the many benefits of walking for health and well being, the environment and communities.</p> <p>Being located within Central Sydney and in close proximity to a wide range of tourist destinations and public transport modes, it is envisaged that the substantial majority of trips to and from the proposed hotel development will be either entirely by walking, or walking in conjunction with the use of a mode of public transport.</p>
Cycling Aspects of Austroads Guidelines	This publication contains key information that relates to the planning, design and traffic management of cycling facilities and is sourced from Austroads Guides. It will be considered as part of a future Stage 2 SSDA, particularly in relation to the design of any proposed bicycle parking and end-of trip facilities.

## Environmental assessment

Strategic plans, policies and guidelines	Response
Sustainable Sydney 2030	<p data-bbox="703 481 1394 622"><i>Sustainable Sydney 2030: Community Strategic Plan 2017–2021</i> identifies ten Strategic Directions. This Planning Proposal will contribute to the Directions to achieve a “lively, engaging city centre” and the “sustainable development, renewal and design” of this centrally located site.</p> <p data-bbox="703 656 1406 768">The City of Sydney’s <i>Sustainable Sydney 2030: Community Strategic Plan 2017–2021</i> also sets a number of relevant objectives and actions for Central Sydney which this proposed development addresses, including:</p> <ul data-bbox="703 801 1406 1283" style="list-style-type: none"> <li>– “The city has adequate space and the required infrastructure to support sustainable economic growth” (Objective 1.1(1))</li> <li>– “The city economy is competitive, prosperous and inclusive” (Objective 1.2)</li> <li>– “The city enhances its global position and attractiveness as a destination for people, business and investment” (Objective 1.5)</li> <li>– “Sydney is positioned locally, nationally and internationally as a destination for business, investment, education, culture and tourism” (Objective 1.5(2))</li> <li>– “Partnerships are in place to deliver world-class social, cultural and tourism infrastructure, events and services” (Objective 1.5(9))</li> <li>– “Innovative, creative, retail, hospitality, tourism and small business activity is supported in the city centre” (Objective 5.3)</li> </ul> <p data-bbox="703 1301 1394 1529">The proposed development will contribute to the City of Sydney’s vision for Sydney as a significant global city and international gateway by providing additional tourist accommodation within Central Sydney, will leverage off planned public transport projects including the Sydney Light Rail and the Sydney Metro, and will promote measures which reduce energy, water and waste water demands. The proposal is therefore consistent with <i>Sustainable Sydney 2030: Community Strategic Plan 2017–2021</i>.</p>
Draft Central Sydney Planning Strategy	<p data-bbox="703 1547 1394 1749">The Draft <i>Central Sydney Planning Strategy 2016–2036</i> (CSPS) was released in July 2016 outlining Council’s 20-year vision for Central Sydney and proposes significant changes to the planning framework across the city centre. The draft CSPS is the background to a Planning Proposal which, at the time of writing, is currently under consideration by the Department of Planning and Environment and has not yet been given a Gateway determination.</p> <p data-bbox="703 1783 1414 1984">The Draft CSPS provides a holistic approach across economic, social and environmental spheres to maintain Sydney’s prominence as a global city, whilst maintaining a great place to live, work, study and visit. The draft CSPS provides for significant revisions to the Sydney LEP 2012 and DCP 2012 to allow for significant uplift in density to certain areas of the CBD, in accordance with the overall ten ‘Key Moves’.</p> <p data-bbox="703 2018 1394 2067">Section 5.2.3 provides a detailed assessment against the relevant provisions of the draft CSPS.</p>

## Environmental assessment

Strategic plans, policies and guidelines	Response
Sydney City Centre Access Strategy 2013	<p>The intent of the <i>Sydney City Centre Access Strategy</i> is to deliver a fully integrated transport network in Sydney's city centre that puts the customer first and meets the growing transport task. It will mean more people use public transport to access the city centre and it will change the way people move around within it. It focuses on public transport, which is envisaged to be the predominant means of travel into the city centre.</p> <p>As detailed in the Traffic Report at Appendix Q, it is anticipated that the predominant means of transport to and from the proposed future hotel will be by public transport and accordingly, the proposed development will benefit from the advancement of this Strategy.</p>
City of Sydney Policy for Waste Minimisation in New Development	<p>The purpose of <i>City of Sydney Policy for Waste Minimisation in New Development</i> is to encourage efficient waste minimisation and resource recovery for demolition, construction and ongoing facility management. In addition this policy seeks to facilitate the efficient and safe waste and recycling collection from all premises in the Council of the City of Sydney local government area (LGA).</p> <p>This policy has been considered in the preparation of the Waste Management Plan at Appendix U, which will be further refined to support a future Stage 2 SSDA.</p>
City of Sydney Street Tree Masterplan	<p>This document is one part of the City's suite of documents used to proactively manage its tree resources and is intended to guide future street tree planting.</p> <p>There is one existing street tree within the road reserve adjacent the site, located in front of 305 Kent Street. The proposed development has been designed to not impact on this tree.</p> <p>Any proposed street tree planting will be determined through a future Stage 2 SSDA.</p>
City of Sydney Public Art Policy and Guidelines for Public Art in Private Development	Refer Section 3.7 which provides a Preliminary Public Art Strategy for the proposed development.
City of Sydney Interim Floodplain Management Policy	Refer Stormwater Report at Appendix O. A future building built within the proposed envelope will be capable of complying with the applicable minimum floor levels and basement access threshold.
City of Sydney Lights Design Code 2014	The requirement for any installation of street lighting within Kent Street or Erskine Street will be considered as part of a future Stage 2 SSDA and any associated conditions of consent.
EIS Guidelines – Road and Related Facilities (DoPI)	<p>These guidelines relate to the preparation of an EIS for roads and related facilities. Only minor works will be required to be undertaken within the road reserve which adjoins the site and will predominantly relate to works to Council's footpath.</p> <p>Future works to the footpath and installation of proposed driveway crossing to Erskine Street will be undertaken in accordance with the relevant policies and guidelines and any relevant conditions of development consent.</p>
Guide to Traffic Management – Part 12: Traffic Impacts of Development (AUSTROADS).	This Guide provides general guidance with respect to the identification and management of the impacts on the road system arising from land use developments. The traffic impacts of the proposed development have been comprehensively considered and addressed in the Traffic Report at Appendix Q.



# Environmental assessment

## 5.2.1 Greater Sydney Region Plan, 2018

The *Greater Sydney Region Plan 2018* was released by the Greater Sydney Commission in March 2018 and is the current metropolitan plan for Greater Sydney. The Plan's vision seeks to meet the needs of a growing and changing population by transforming Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The site is located within the Eastern Harbour City. This vision is supported by ten Directions for Greater Sydney, with the following Direction, and supporting Objectives, being of particular relevance to this application:

**Direction:** Jobs and skills for the city - Creating the conditions for a stronger economy.

- Objective 18: Harbour CBD is stronger and more competitive
- Objective 22: Investment and business activity in centres
- Objective 24: Economic sectors are targeted for success

The visitor economy is identified as a key economic sector for the Eastern Harbour City. The Plan states that Greater Sydney receives approximately 3.75 million international visitors annually who spend \$9.03 billion and contribute \$15.4 billion to the economy. Visitors experiences are shaped by the facilities available to them and how their needs are met by the city. The Plan recognises the need to encourage the development of a range of well-designed and located facilities. The subject site is ideally located close to major tourist destinations and will provide a well-designed, vibrant development which will enhance the visitor experience of Sydney.

## 5.2.2 Eastern City District Plan, 2018

The *Eastern City District Plan 2018* was released by the Greater Sydney Commission in March 2018 and is a guide for implementing the *Greater Sydney Region Plan* at a district level by functioning as a bridge between regional and local planning. The subject site is located within the Eastern City District and is thus subject to this Plan.

The Plan sets out Planning Priorities to achieve the strategic objectives for the District identified by the *Greater Sydney Region Plan*. Key Priorities include:

- Planning Priority E7: Growing a stronger and more competitive Harbour CBD
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres
- Planning Priority E13: Supporting growth of targeted industry sectors

The Plan identifies the Eastern City District as one of the world's premier tourism and major events destinations and notes that *"while the District's tourism economy is mature, it can grow by tapping into the breadth of assets in the District"* and better coordinating tourism activities, events and accommodation.

## 5.2.3 Draft Central Sydney Planning Strategy, 2016-2036

The *Draft Central Sydney Planning Strategy 2016-2036* (CSPS) was released by the City of Sydney Council in July 2016 and is Council's 20-year growth strategy that revises previous planning controls in the City of Sydney Local Government Area. The CSPS includes the following documents:

- *Draft Central Sydney Planning Strategy 2016-2036;*
- Planning Proposal - Central Sydney (draft LEP amendments) (currently lodged with the Department of Planning and Environment);
- Draft Central Sydney Affordable Housing Program; and
- *Sydney DCP 2012 (Central Sydney Planning Strategy Amendment).*

The CSPS is a draft and, at the time of writing, has not been formally adopted. Nonetheless, the Strategy is considered as part of this application as it provides for significant revisions to the SLEP 2012 and SDCP 2012 to allow for uplift in density to certain areas of central Sydney, in accordance with the overall ten 'Key Moves'.

The following 'Key Moves' are of relevance to this Concept SSDA:

- Key move 1: Prioritise employment growth and increase employment capacity by implementing genuine mixed-use controls and lifting height limits along the Western Edge.
- Key move 2: Ensure development responds to context by providing minimum setbacks for outlook, daylight and wind.
- Key move 4: Provide for employment growth in new tower clusters.
- Key move 6: Move towards a more sustainable city with planning controls that require best practice energy and water standards and for growth sites to drive zero-net energy outcomes.
- Key move 9: Reaffirm commitment to design excellence by continuing to work in partnership with community and industry to deliver collaborative, iterative and tailored solutions.

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The proposed development presents an opportunity to respond to the Key Moves identified in the Strategy, including prioritising employment growth along the western edge of the city in a location identified as a potential tower cluster, ensuring “*development responds to context*”, to “*provide for employment growth in new tower clusters*”, to “*move towards a more sustainable city*” and to “*reaffirm commitment to design excellence*”.

The CSPA identifies potential tower clusters in Central Sydney where heights and densities above established maximum limits may be achieved to promote the efficient use of land, and encourage innovative design. The CSPA notes opportunities for tower clusters in areas of Central Sydney that are less constrained by sun access planes. The subject site is located at the southern edge of the western cluster which extends north from the site across Westpac Place, to the International Towers at Barangaroo South. Refer to Figure 30.

Importantly, the Planning Proposal associated with the CSPA identifies the site (along with a large part of the western corridor) for an increase in height and FSR, as detailed in Table 7 below.

Table 7. Existing and proposed development standards

	Height of buildings	FSR
Existing	80m	11:1
Proposed	110m	11.5:1

It is noted, however, that the site is also affected by a proposed view corridor from Martin Place which may impact on the maximum building height achievable under the proposed controls. The view corridor is intended to protect a low-angled view of the sky from the eastern end of Martin Place (near Macquarie Street), however, is already breached by the recently constructed 151 Clarence Street and would also be impacted by the proposed redevelopment of the Star (MP08\_0098 MOD 13). The value in protecting this corridor at the expense of development capacity in Central Sydney is questionable and in need of further consideration. The proposed view corridor is further considered in the Visual Impact Assessment at Appendix E.



Figure 30. Potential tower clusters  
Approximate location of the site shown in red  
Source: Draft Central Sydney Planning Strategy 2016-2036

## 5.3 Environmental Planning Instruments

The proposal has been considered against the relevant Environmental Planning Instruments (EPIs) and an assessment of each is provided below.

### 5.3.1 State Environmental Planning Policies

The proposed development has been assessed against the relevant SEPPs as detailed in the Table below.

Table 8. Consistency with relevant SEPPs

SEPP	Consistency	Response
State Environmental Planning Policy (State & Regional Development) 2011	✓	<p>Under Clause 13(2) of Schedule 1 of the SEPP, development for the purposes of tourist facilities (but not including any commercial premises, residential accommodation and serviced apartments) that has a CIV of over \$100 million, are SSD.</p> <p>Under Clause 8(2) of the SEPP and in accordance with Section 4.36 of the EP&amp;A Act, all parts of a single development application are also declared to be SSD.</p> <p>The proposed development seeks approval for a hotel and has a CIV of over \$116,776,000 and is therefore SSD.</p>
State Environmental Planning Policy (Infrastructure) 2007	✓	<p>The relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) are detailed below.</p> <p>The proposed development is not defined as traffic generating development under Clause 104, Schedule 3 of the SEPP. Notwithstanding, in accordance with the requirements of the SEARs, consultation with Roads and Maritime Services has been undertaken (refer to Section 4.1 of this EIS) who had no comment at this stage. It is assumed that the Concept SSDA will be referred to RMS for further consultation as part of the assessment process.</p> <p>The site is located approximately 100m from an Interim Rail Corridor (CBD Rail Link (Zone B - Tunnel)). Accordingly, the site is not located in either Zone A, or Zone B and, therefore, the proposal does not trigger consultation with the relevant rail authority (Transport for NSW (TfNSW)) under Clause 88 of the SEPP. Notwithstanding, in accordance with the requirements of the SEARs, consultation with TfNSW has been undertaken and it is assumed that the SSDA will be referred to them seeking any further comment.</p>



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SEPP	Consistency	Response
State Environmental Planning Policy No. 55 - Remediation of Land	✓	<p>Sydney Trains have advised of the presence of high voltage wires in the street surrounding the site. The Services report at Appendix N provides that these are unlikely to be affected by the proposed development, however, they will need to be considered in future stages of the project.</p> <p>SEPP 55 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.</p> <p>A Detailed Site Investigation (DSI) Report has been prepared by Aargus Pty Ltd and is provided at Appendix J. The DSI concludes that the risks to human health associated with soil contamination are negligible and the site is suitable for the proposed development.</p> <p>Further SEPP assessment will be undertaken as part of subsequent Development Applications (DAs) for the site, when physical works will be proposed, including excavation.</p>
Draft Remediation of Land SEPP	✓	<p>The Draft Remediation of Land SEPP will repeal SEPP 55 and has been prepared to better manage remediation works within NSW by aligning the need for development consent with the scale, complexity and risks associated with any required remediation works.</p> <p>The Explanation of Intended Effect (EIE) for the Draft SEPP Remediation of Land was publicly exhibited during the period 31 January 2018 to 13 April 2018 and therefore constitutes a draft Environmental Planning Instrument (EPI) which must be considered pursuant to s4.15 of the EP&amp;A Act.</p> <p>With consideration of the Draft Remediation of Land SEPP above, The Detailed Site Investigation prepared by Argus and provided at Appendix J concludes that the risks to human health associated with soil contamination at the site is negligible with the context of the proposed hotel use. Any soils requiring removal from the site, as part of future subsequent works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014). Accordingly, the proposed development is consistent with the EIE for the Draft SEPP Remediation of Land.</p>

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SEPP	Consistency	Response
		As with the assessment against SEPP 55 above, further consideration of the Draft SEPP will be undertaken as part of subsequent DAs where there are physical works proposed.
State Environmental Planning Policy No.64 Advertising and Signage	✓	<p>State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) applies to advertising and signage within NSW.</p> <p>Signage, including any building identification and wayfinding signage associated with the proposed hotel building will be considered within a future Stage 2 SSDA or through subsequent development applications.</p>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	✓	<p>The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP Vegetation) seeks to protect and preserve the biodiversity values and amenity of trees and other vegetation in non-rural areas of NSW.</p> <p>The subject site has been historically cleared of any vegetation. Therefore, the proposed development will not have any impact on vegetation.</p>
State Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓	<p>The State Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP Sydney Harbour) provides a planning framework toward environmental outcomes for Sydney Harbour and its tributaries.</p> <p>The site is not located within the Sydney Harbour Catchment.</p>
Draft Environment SEPP	✓	<p>The Draft Environment SEPP seeks to simplify planning for water catchments, waterways, urban bushland, and consolidates seven existing SEPPs:</p> <ul style="list-style-type: none"> <li>– SEPP No. 19 – Bushland in Urban Areas</li> <li>– SEPP (Sydney Drinking Water Catchment) 2011</li> <li>– SEPP No. 50 – Canal Estate Development</li> <li>– Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>– Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</li> <li>– Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>– Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</li> </ul> <p>As provided above, the proposal is not located within the Sydney Harbour Catchment and will not have any impact on any existing vegetation.</p>

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## 5.3.2 Sydney Local Environmental Plan 2012

The proposed development is located within the City of Sydney LGA, and accordingly, the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) is the primary EPI applying to the proposal.

Table 9. Consistency with Sydney LEP 2012

Provision	Consistency	Response
2.3 Land Use Zoning	✓	The site is zoned B8 Metropolitan Centre.
<b>Objectives</b> <ul style="list-style-type: none"> <li>– To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.</li> <li>– To provide opportunities for an intensity of land uses commensurate with Sydney's global status.</li> <li>– To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.</li> <li>– To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.</li> <li>– To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.</li> </ul>		<p>Residential accommodation, tourist and visitor accommodation and retail premises are permitted with consent in the zone. The proposed hotel development is consistent with the objectives of the zone as it:</p> <ul style="list-style-type: none"> <li>– Provides for higher density development that is commensurate with the emerging character of Central Sydney's western corridor;</li> <li>– Is well-sited to encourage public transport and sustainable transit;</li> <li>– Provides tourist and visitor accommodation within Central Sydney, which has been recognised as lacking within the centre and is of high demand;</li> <li>– Accommodates function rooms that can be used for different purposes; and</li> <li>– Activates its two street frontages, Kent Street and Erskine Street, by the hotel set-down on Erskine Street and the hotel forecourt plaza, reception, bar and laneway along Kent Street.</li> </ul>
4.3 Height of buildings	See comment	<p>The SLEP 2012 maximum building height applicable to the site is 80 metres.</p> <p>An application to vary the height of buildings standard has been prepared by Architectus pursuant to Clause 4.6 of the SLEP 2012 and is appended at Appendix D.</p> <p>The extent of the proposed contravention of Clause 4.3 of the SLEP 2012 height standard varies by elevation, and ranges from compliance at the south-east elevation of the proposed envelope to a maximum exceedance of 4.5m at the western elevation of the proposed envelope, resulting in a maximum height of 84.5m. This is a variation to the standard of only 5.6%.</p> <p>It is considered that the request is justified given that compliance with the development standard is unreasonable and unnecessary on the grounds that:</p> <ul style="list-style-type: none"> <li>– There are sufficient environmental planning grounds to support the development, including:</li> </ul>



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Provision	Consistency	Response
		<ul style="list-style-type: none"> <li>– The proposed building envelope provides an appropriate response to the site topography, providing for a regular shaped building envelope compared to that of an angled envelope under a complying scheme – a better planning outcome;</li> <li>– The additional height allows for an increased setback and therefore privacy and amenity to the adjoining commercial property on the southern boundary to 309 Kent Street - a better planning outcome;</li> <li>– No significant adverse amenity impacts with respect to overshadowing and views with the proposed building height; and</li> <li>– Providing height in accordance with the scale of buildings that surround, and responsive to the planned height of development in the western corridor of Central Sydney, as per the SLEP 2012.</li> </ul> <ul style="list-style-type: none"> <li>– The Concept SSDA provides for a development that is in the public interest, with no public benefit of maintaining the height standard in this instance, as it satisfies both the objectives of the Height of Buildings development standard and the objectives of the B8 Metropolitan Zone.;</li> <li>– There are no matters of state or regional planning significance in maintaining compliance with the development standard; and</li> <li>– The proposal remains consistent with Section 1.3 of the Environmental Planning and Assessment Act 1979 (As Amended), particularly to promote and coordinate the orderly and economic use and development of land, and to promote good design and amenity of the built environment.</li> </ul> <p>It is noted that bonus building height of 10% under Clause 6.21 of the SLEP 2012 would be sought in the future, following the completion of a competitive design process that will be held in accordance with the <i>City of Sydney Competitive Design Policy 2012</i>. The bonus height will be sought in a future Stage 2 SSDA, not as part of the Concept SSDA.</p> <p>This is further detailed in the response to Clause 6.21 Design Excellence below.</p>
Clause 4.4 Floor space ratio	✓	<p>The maximum floor space ratio applicable to the site is 11:1 in accordance with the provisions outlined below:</p> <ul style="list-style-type: none"> <li>– Clause 4.4 Floor space ratio (base): 8:1</li> <li>– Clause 6.4 Accommodation floor space: The site is located within 'Area 3' on the FSR map and therefore eligible for an additional FSR of 3:1 (in addition to the base FSR of 8:1) for land uses including hotel or motel accommodation.</li> </ul>

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Provision	Consistency	Response
		<p>It is noted that bonus building height of 10% under Clause 6.21 of the SLEP 2012 will be sought in the future, following the satisfactory completion of a competitive design process that will be held in accordance with the Design Excellence Strategy at Appendix V. The bonus height will be sought in a future Stage 2 SSDA, not as part of the Concept SSDA.</p> <p>Consent is not being sought through this Concept SSDA for an amount of GFA, however, it is noted that the reference scheme provides an FSR of 11:1 and is therefore consistent.</p>
Clause 4.6	See comment	A request to vary the maximum building height prescribed by Clause 4.3 of the SLEP 2012, pursuant to Clause 4.6 of the same instrument, is provided at Appendix D. The maximum building height non-compliance is additionally noted in relation to Clause 4.3 above, and discussed in Section 5.5 of this Report.
Clause 5.10 Heritage conservation	✓	<p>The site is not identified as a heritage item or located adjacent to any heritage items, and is not located in a conservation area.</p> <p>The site is within the vicinity of a number of heritage items as outlined in Section 2.7 of this EIS.</p> <p>A Heritage Impact Statement has been prepared by GBA Heritage and demonstrates that the proposal will have an acceptable level of heritage impact. Refer Appendix F and Section 5.11 of this EIS.</p>
Clause 6.4 Accommodation floor space	✓	<p>The site is located within 'Area 3' and proposes 'hotel or motel accommodation.'</p> <p>Refer response to Clause 4.4 above.</p>
Clause 6.16 Erection of tall buildings in Central Sydney  <b>Objectives</b> (a) provides amenity for the occupants of the tower and neighbouring buildings, and (b) does not adversely affect the amenity of public places, and (c) is compatible with its context, and (d) provides for sunlight to reach the sides and rear of the tower, and (e) promotes the ventilation of Central Sydney by allowing the free movement of air around towers, and (f) encourages uses with active street frontages.	N/A	The proposal involves the erection of a building with a height greater than 55m, however, the site area of 1,028sqm exceeds 800m. The provisions of this clause are therefore not relevant to the proposal.
Clause 6.17 Sun access planes	N/A	The site is not affected by a sun access plane.

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Provision	Consistency	Response
Clause 6.19 Overshadowing of certain public places	✓	Shadow diagrams are provided at Appendix B. The proposed development will not result in any overshadowing of any public place identified in this clause.
<p>Clause 6.21 Design excellence</p> <p>(5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development:</p> <p>(a) development in respect of a building that has, or will have, a height above ground level (existing) greater than:</p> <p>(i) 55 metres on land in Central Sydney, or</p> <p>(ii) 25 metres on any other land,</p> <p>(b) development having a capital investment value of more than \$100,000,000,</p> <p>(c) development in respect of which a development control plan is required to be prepared under clause 7.20,</p> <p>(d) development for which the applicant has chosen such a process.</p>	✓	<p>Following a favourable determination to this Concept SSDA and before the submission of a detailed Stage 2 SSDA, the proposed development will be the subject of a competitive design process in accordance with this clause, as:</p> <ul style="list-style-type: none"> <li>– It would involve a new building that will have a height greater than 55 metres on land in Central Sydney;</li> <li>– Will have a CIV over \$100 million; and</li> <li>– Requires a development control plan to be prepared under Clause 7.20 (the requirement for which is satisfied by the submission of this Concept SSDA).</li> </ul> <p>Under Clause 6.21(7), a building demonstrating design excellence is eligible to have an additional building height or floor space that exceeds the maximum limit for the site under the LEP of up to 10%. As previously noted, additional height will be sought through the Stage 2 SSDA.</p>
<p>Clause 7.9 Other land uses</p> <p>(1) Serviced apartments and hotel or motel accommodation The maximum number of car parking spaces for a building used for the purposes of serviced apartments or hotel or motel accommodation is:</p> <p>(a) 1 space for every 4 bedrooms up to 100 bedrooms, and</p> <p>(b) 1 space for every 5 bedrooms more than 100 bedrooms.</p>	✓	<p>The reference scheme indicatively provides 360 hotel rooms.</p> <p>On this basis, the maximum car parking rate is:</p> <ul style="list-style-type: none"> <li>– 25 spaces (per 100 rooms); plus</li> <li>– 52 spaces (per 260 rooms)</li> </ul> <p>The maximum number of car parking spaces is 77.</p> <p>The indicative scheme accommodates a total of 77 car parking (not including spaces for loading and set-down) and therefore complies.</p>
Clause 7.14 Acid sulfate soils	✓	<p>The site is identified on Class 5 land.</p> <p>Development consent is required for carrying out works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD) and by which the water table is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.</p> <p>The Geotechnical Report at Appendix M provides that geotechnical investigations encountered bedrock from ground level and therefore considers that acid sulphate soils will not be encountered during future excavation.</p>



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Provision	Consistency	Response
Clause 7.15 Flood planning	✓	The level of the Upper Ground floor and the threshold level of the basement carpark ramp would be provided at or above the level of the probably maximum flood (PMF). Refer to the Stormwater Report at Appendix O. The building envelope is able to accommodate the required levels to mitigate against any flood impact.
Clause 7.16 Airspace operations	N/A	<p>This clause requires consultation with the relevant Commonwealth body where there is a development which proposes to penetrate the Limitation or Operations Surface.</p> <p>At this location the Obstacle Limitation Surface for Sydney Airport is RL 156m and the Procedures for Air Navigation Services Operations Surface is RL 335.2m.</p> <p>The proposed maximum height of the building is RL 96.2m. The building will therefore not enter into prescribed airspace and consultation with the Commonwealth is not required in relation to this matter.</p>
Clause 7.19 Demolition must not result in long term adverse visual impact	N/A	This Stage 1 (Concept) SSDA does not seek approval for any demolition or construction works. These will subject of future development approvals.
<p>Clause 7.20 Development requiring or authorising preparation of a development control plan</p> <p>(2) Development consent must not be granted to development to which this clause applies on the following land unless a development control plan that provides for the matters in subclause (4) has been prepared for the land:</p> <p>(a) land in Central Sydney, if the site area for the development is more than 1,500 square metres or if the development will result in a building with a height greater than 55 metres above ground level (existing)</p>	✓	<p>The proposed scheme will result in a future building with a height greater than 55 metres above ground level (proposed future building height up to 92.5m) in Central Sydney and therefore requires the preparation of a development control plan.</p> <p>Pursuant to Section 4.23 of the EP&amp;A Act, the requirement for the preparation of a development control plan is satisfied by the making and approval of a concept development application. Accordingly, consent is being sought for the subject concept SSDA.</p>

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### 5.3.3 Any exhibited planning proposal

There are no exhibited planning proposals relevant to the proposed development.

### 5.3.4 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 (Sydney DCP 2012) provides detailed planning and design guidelines to development to support the Sydney LEP 2012.

It is noted that under Clause 11 of the SEPP SRD, development control plans do not apply to State significant development. Notwithstanding, the proposal is assessed against the relevant provisions of the DCP in the Table below, in accordance with the issued SEARs.

**Table 4 Sydney DCP 2012**

Provision	Consistency	Comment
<b>Section 3 - General Provisions</b>		
<b>3.1 - Public Domain Elements</b>		
3.1.5 Public art	✓	A Public Art Strategy is provided in Section 3.7 and in the Architectural Design Report at Appendix B.
<b>3.2 - Defining the public domain</b>		
3.2.1 Improving the public domain	✓	<u>Sunlight to publicly accessible spaces</u>  The proposed development will not result in any additional overshadowing of any area of publicly accessible open space between 9am and 3pm on 21 June. Refer shadow diagrams at Appendix B.
	✓	<u>Public views</u>  Refer Visual Impact Assessment at Appendix E and discussion of visual impact in Section 5.8 of this EIS.
3.2.2 Addressing the street and public domain	✓	The concept proposal will not preclude compliance with these provisions as part of a future Stage 2 SSDA.
3.2.3 Active frontages	✓	The site is not identified as requiring an active frontage in the associated Active Frontages Map. Nevertheless, the indicative scheme provides for an active frontage to Kent Street.
3.2.6 Wind effects	✓	Refer discussion of wind effects in Section 5.7.3 of this EIS and detailed assessment at Appendix S.
3.2.7 Reflectivity	✓	The concept proposal will not preclude compliance with these provisions as part of a future Stage 2 SSDA.
3.2.8 External lighting	✓	The concept proposal will not preclude compliance with these provisions as part of a future Stage 2 SSDA.
<b>3.3 - Design Excellence and Competitive Design Processes</b>		
3.3.1 Competitive design process	✓	The proposal will be subject to a competitive design process under Clause 6.21(5) of the Sydney LEP 2012.

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Provision	Consistency	Comment
3.3.2 Design excellence strategy	✓	A Design Excellence Strategy is provided at Appendix V.
3.3.8 Site specific development control plans and stage 1 development applications	✓	This EIS and supporting documentation provide the information required by this section.
<b>3.6 - Ecologically Sustainable Development</b>		
3.6.1 Energy efficiency in non residential developments	✓	The ESD Report (Appendix L) provides the ESD principles of the proposal.
3.6.2 Water efficiency in non-residential development	✓	As above.
<b>3.7 - Water and Flood Management</b>		
3.7.1 Site specific flood study	✓	Refer Stormwater and Flooding Assessment at Appendix O, which confirms the flood planning levels for the site, with which the proposed development complies.
<b>3.9 - Heritage</b>		
3.9.1 Heritage Impact Statements	✓	A Heritage Impact Statement is provided at Appendix F which considers the heritage impact on the existing buildings on the site, as well as on nearby heritage items.
3.9.3 Archaeological assessments	✓	Refer Baseline Historical Archaeological Assessment at Appendix H. The report concludes that the site has archaeological potential, it is therefore recommended that a condition of consent be imposed on the Concept SSDA that a historical Archaeological Research Design (ARD) be undertaken prior to the commencement of any works associated with a future Stage 2 SSDA.
3.9.5 Heritage items	✓	A number of heritage items are in the vicinity of the site. Refer response to Clause 5.10 in Sydney LEP 2012 assessment table.
<b>3.10 - Significant Architectural Building Types</b>		
3.10.1 Warehouses and industrial buildings older than 50 years	✓	The existing warehouse buildings occupying the site are older than 50 years. Accordingly, a Heritage Impact Statement has been prepared and is provided at Appendix F. The Heritage Impact Statement concludes that none of the buildings meet the threshold for local heritage listing.
<b>3.11 - Transport and Parking</b>		
3.11.1 Managing transport demand	✓	A Traffic Report has been prepared and is provided at Appendix Q.
3.11.2 Car share scheme parking spaces	✓	The proposed building envelope is capable of accommodating the required spaces within a future basement. Car share spaces will be determined within a future Stage 2 SSDA.



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Provision	Consistency	Comment
3.11.3 Bike parking and associated facilities	✓	Based on 360 rooms and 80 FTE staff, 38 bicycle parking spaces will be required. The indicative scheme demonstrates that these are capable of being provided within the proposed building envelope (located at the Lower Ground Level in the indicative scheme), however, the location and number of bicycle storage space will be confirmed in a future Stage 2 SSDA.
<u>Minimum rates for hotel accommodation</u> Residents/employees - 1 per 4 staff Customers/visitors - 1 per 20 rooms		
3.11.4 Vehicle parking	✓	Car parking can be provided in a future basement, as illustrated in the indicative scheme at Appendix B. Car parking is proposed in accordance with the rates provided under Clause 7.9 of the Sydney LEP 2012. As previously noted, the reference scheme provides 77 car parking spaces, which is in accordance with the maximums under the LEP. The final allocation of car parking will be confirmed through a future Stage 2 SSDA.
3.11.6 Service vehicle parking	✓	Service vehicle requirements will be confirmed in a future Stage 2 SSDA. The reference scheme provides a dedicated service / loading bay on the lower ground floor level, accessed via Erskine Street. Refer Traffic Report at Appendix Q.
3.11.7 Motorbike parking	✓	The proposal is capable of accommodating the required spaces within the proposed basement. Motorbike spaces will be determined within a future Stage 2 SSDA.
3.11.8 Bus parking	See comment	The majority of hotel and serviced apartment developments in Sydney do not make any provision for on-site bus/coach parking spaces. Having considered the small scale of the site, central CBD location of the site, the bus/coach requirement is both unfeasible and unnecessary. Refer Traffic Report at Appendix Q.
3.11.10 Vehicle access for developments greater than 1000sqm GFA	✓	The Traffic Report at Appendix Q confirms the suitability of the proposed access arrangements from Erskine Street.
3.11.11 Vehicle access and footpaths	See comment	Erskine Street is identified as 'new vehicle access not preferred' in the <i>Pedestrian Priority Map</i> . Despite this, as discussed in Section 5.10 of this Report and the Vehicle Access and Pedestrian Impact Study at Appendix R, pedestrian counts undertaken at the site have confirmed that pedestrian volumes along Kent Street are far greater than Erskine Street. It is likely that in the time since Erskine Street was identified for pedestrian priority, the volume of pedestrian traffic declined as a result of the construction of Wynyard Walk, which provides east-west access between the Barangaroo/Darling Harbour Waterfront and Wynyard/George Street. It is therefore considered

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Provision	Consistency	Comment
		that the vehicular access is more appropriately located on Erskine Street, where its impact will be less than if it were to be located on Kent Street, despite being inconsistent with this provision. It is additionally noted that Kent Street has seen significant recent renewal making it a much more attractive pedestrian environment and the proposal to remove the vehicular crossover from 305 Kent Street will further contribute to this.
3.11.13 Design and location of waste collection points and loading areas	✓	Refer Waste Management Plan provided at Appendix U.
<b>3.12 - Accessible Design</b>		
3.12.1 General	✓	The BCA / Access Capability Statement at Appendix I confirms that the proposed development is capable of complying.
<b>3.13 - Social and Environmental Responsibilities</b>		
3.13.1 Crime prevention through environmental design	✓	The CPTED principles will be addressed through detailed design and the future Stage 2 SSDA. The Concept SSDA does not preclude future compliance.
<b>3.14 - Waste</b>		
3.14.1 Waste and Recycling Management Plans	✓	A Waste Management Plan has been prepared and is provided at Appendix U.
<b>3.15 - Late Night Trading Management</b>		
	✓	These matters as they relate to the proposed rooftop bar will be addressed as part of a future Stage 2 SSDA.
<b>3.17 - Contamination</b>		
	✓	Refer consideration against SEPP 55 in Section 5.3.1 and discussion of contamination in Section 5.17 of this EIS.
<b>Section 4 - Development Types</b>		
<b>4.4 - Other Development Types and Uses</b>		
4.4.8 Visitor accommodation	✓	These matters will be considered in the future detailed design and Stage 2 SSDA.
<b>Section 5 - Specific Areas</b>		
<b>5.1 - Central Sydney</b>		
5.1.1 Street frontage heights	✓	The proposed building envelope provides a street frontage height to Kent Street of RL 36.2m (generally 20m above street level) and RL 56.2m in Erskine Street (generally 44m above street level). At each frontage, the height has been designed to align with the existing street frontage height of the adjoining property.

## Environmental assessment

Provision	Consistency	Comment
5.1.2 Building setbacks	See comment	<p><u>Front setbacks</u></p> <p>This section provides that an 8m setback above the podium is to be provided for both Kent Street and Erskine Street. A 6m setback for the tower is proposed to both Kent Street an Erskine Street.</p> <p>The objectives of the street frontage height control are provided below:</p> <p><i>(a) Achieve comfortable street environments for pedestrians with adequate daylight, scale, sense of enclosure and wind mitigation.</i></p> <p><i>(b) Physically define the public domain and provide opportunities for street front activities that enhance the public domain.</i></p> <p><i>(c) Encourage flexibility in building design and reinforce the character of Central Sydney and ensure built form is compatible with heritage items and the desired streetscape character.</i></p> <p>The envelope setback to Kent Street has been designed to align with the adjoining property at 309 Kent Street and to reinforce the existing streetscape character. It is considered that a 6m setback results in an improved streetscape outcome without detrimentally impacting upon the public domain or adjoining properties.</p> <p>To Erskine Street there is no established setback character, given the generally low-scale character of existing development to the south of Erskine Street and because taller buildings to the north of Erskine Street are typically setback a considerable distance from the street. The proposed 6m setback of the envelope to Erskine Street is considered reasonable when considering in this context. A minor reduction from 8m to 6m will not have a detrimental impact on the pedestrian experience of Erskine Street, which is not considered to be a street which is defined by a sense of enclosure, and where sufficient opportunities for daylight to the street will be retained.</p> <p>Further, the Wind Report at Appendix S has confirmed that the proposed development will not have an unacceptable wind impact in Erskine Street.</p>

## Environmental assessment

Provision	Consistency	Comment
	✓	<p><u>Side and rear setbacks</u></p> <p>A 6m setback is required under this section where windows are proposed adjacent a boundary. There is no requirement for a boundary setback where there are no windows proposed. The proposed setback to the west is 6m, and to the south is an angled setback which provides a consistent separation of 2.5m to the adjoining building. No windows will be provided adjacent the southern boundary. The setback to the southern boundary will maintain amenity to the adjoining building at 309 Kent Street and is therefore a better outcome than an envelope which permits a building built to the boundary for its full height (which would still be considered a compliant envelope).</p>
5.1.5 Building bulk	✓	This section provides that above 45m high, the maximum horizontal facade dimension should not exceed 65m. The Kent Street elevation provides the longest facade length and is a maximum of approximately 25m.
5.1.6 Building exteriors	✓	Design of building exteriors will be considered as part of a future Stage 2 SSDA.
5.1.9 Award and allocation of heritage floor space	✓	It is anticipated that the purchase of heritage floor space will be required as a condition of consent on a future Stage 2 SSDA.
5.1.10 Sun access planes	N/A	The site is not located within an area affected by a sun access plane.



# Environmental assessment

## 5.4 Design excellence

In accordance with Clause 6.21 of the Sydney LEP 2012, it is intended that a competitive design process be undertaken for the proposed development following an approval of the Stage 1 SSDA and prior to submission of a Stage 2 SSDA.

A Design Excellence Strategy has been prepared by Architectus in accordance with the draft *Government Architect's Design Excellence Competition Guidelines 2018* and the City of Sydney's *Competitive Design Policy 2013*. The Strategy is provided at Appendix V.

Under the Strategy, an additional 10% height will be sought, which will be formalised through the future Stage 2 SSDA. The Strategy ensures that the proposal will achieve design excellence pursuant to Clause 6.21 of the Sydney LEP 2012 and Council's Policy.

## 5.5 Building envelope height

The topography of the site falls from the eastern boundary (Kent Street frontage) towards the western boundary from a level of RL 14.48m to a low point of approximately RL 11.7m. The level difference across the site is approximately 4.5m.

There is also a slight fall in topography from the southeastern boundary of the site (RL 16.54m) to the north-eastern boundary (RL 14.54m) along the Kent Street frontage, with a level difference of 2m.

Due to the fall of the site, an 80m height datum has been taken to establish the maximum height of the building, in accordance with the SLEP 2012 maximum building height control. The proposed building's encroachment on the building height standard is not equal across the site. As the land falls, the proposed building accommodates the change in level through the basement car park levels.

The proposed maximum building envelope height of RL 96.2m correlates to the maximum building height of 80m along the Kent Street frontage of the site.

A portion of the proposed building envelope along the western site boundary has a height from ground level (existing of 54.5m and therefore exceeds the maximum building height by 4.5m. This represents a minor height non-compliance of up to 5.6% of the development standard.

The portion of height exceedance proposed at the western elevation is the result of providing a flat and regular top to the proposed envelope. The envelope responds to

the sloping condition of the site while achieving orderly and economic use of the site and delivering a building envelope that is capable of achieving good design and amenity through the future competitive design process (and avoiding the undesirable urban design outcome of an angled top of the building sloping towards the west). As such, the height of the development is considered to be appropriate to the condition of the site and its context.

The expected impacts of the proposed envelope will not be noticeably different when compared to a development scheme that falls entirely under the 80 metre building height control.

An application to vary the height of buildings standard by 4.5m (to 84.5m) on the western side of the building envelope has been prepared by Architectus pursuant to Clause 4.6 of the SLEP 2012 and is appended at Appendix D.

## 5.6 Staging of future development

The subject Concept SSDA seeks development consent for the proposed land uses, gross floor area, building envelope, pedestrian and vehicle access, and the provision of basement car parking.

Once a competitive design process has been undertaken for the proposed development, a Stage 2 SSDA will be lodged for the construction of the building.

It is yet to be determined whether demolition of the existing buildings on the site and excavation of the site will form part of the future Stage 2 SSDA, or be subject of a separate DA lodged with the City of Sydney Council. This will be confirmed at a later stage.

Construction of the building will be undertaken as a single stage.

## 5.7 Amenity

### 5.7.1 View loss

Analysis of the site context did not identify any existing residential buildings which could have their views impacted by the proposed building envelope. The nearest residential buildings are separated from the subject site by existing buildings of a similar height and scale to that being proposed, such as 309 Kent Street which adjoins the subject site to the south.

Impact on views from the public domain are discussed in the Visual Impact Assessment at Appendix E and in Section 5.8 of this EIS.

## Environmental assessment

### 5.7.2 Overshadowing

Overshadowing diagrams have been included in the Architectural Report at Appendix B and are replicated on Page 66 of this EIS.

The proposed building envelope does not result in any overshadowing of any area of public open space, publicly accessible open space, or any known residential building between the hours of 9am and 3pm at any time of the year.

#### 309-321 Kent Street

Overshadowing of three key privately owned spaces to the south of the site at 309 and 321 Kent Street were raised during the initial consultation phase with adjoining property owners:

- Proposed level 4 terrace at 309 Kent Street;
- Publicly accessible areas within 309-321 Kent Street; and
- Adjoining childcare centre at 309 Kent Street.

The location of each of these areas of concern is provided in Figure 31 below.

Throughout the year, the impacts on each of the areas identified is minimal to nil. Given the tower setback to Kent Street has been designed to align with the existing setback of 309 Kent Street, the proposed building will only result

in minor overshadowing in the early afternoon on the level 4 terrace, which will in fact be cast in its own shadow for most of the afternoon throughout the year. Likewise the publicly accessible areas of 309-321 Kent Street are to the south of 309 Kent Street and as such, will be in shadow cast by that building. The proposed development will not result in any additional overshadowing of this area.

The outdoor areas of the childcare centre are significantly overshadowed by existing development for much of the year. The shadow diagrams suggest there will be some additional overshadowing from the proposed development in the late morning to early afternoon at the autumn equinox and in the late morning at the spring equinox. Figure 31 illustrates the overshadowing impact at 12pm noon at the autumn equinox. This is the worst case scenario, because at other times of the year the space is either already in shadow (such as at mid-winter), or the shadow cast by the proposed development is shorter and does not impact on the space at the times when it is in sun (summer).

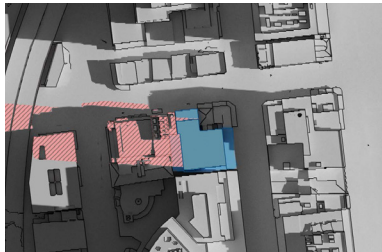
Overall the impact is considered minor on these spaces and is not unreasonable given the childcare centre is located immediately to the south-west of the subject site, and when considering that the proposal is for a high-rise building in Central Sydney.



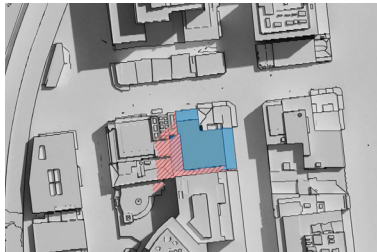
Figure 31. Overshadowing of 309 and 321 Kent Street  
Approximate location of uncovered childcare outdoor area shown orange, level 4 terrace shown green, and publicly accessible outdoor space shown red.  
Source: DBI Architects (annotated by Architectus)

# Environmental assessment

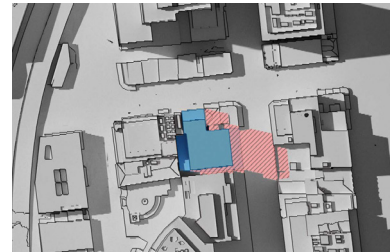
## Shadow Analysis - Summer Solstice 22ND DECEMBER



09:00AM

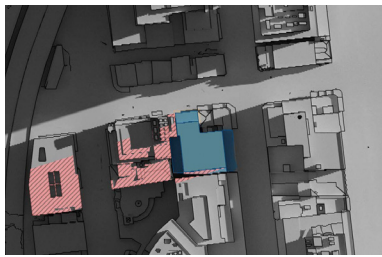


12:00PM

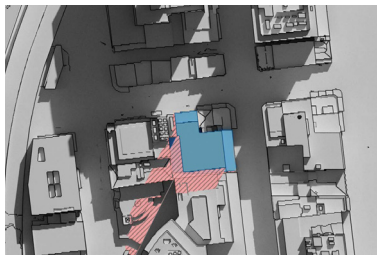


03:00PM

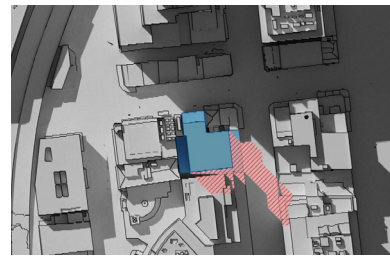
## Shadow Analysis - Autumn Equinox 21ST MARCH



09:00AM



12:00PM



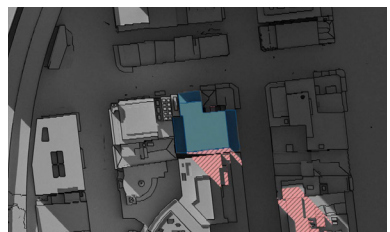
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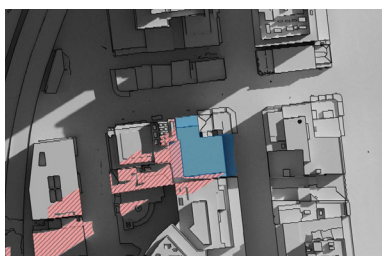


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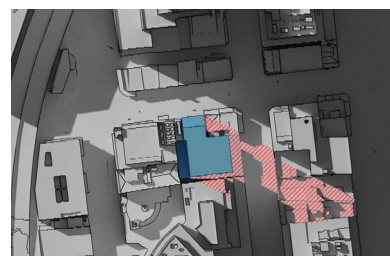
## Shadow Analysis - Spring Equinox 23RD SEPTEMBER



09:00AM



12:00PM



03:00PM

Figure 32. Shadow diagrams  
Source: DBI Architects

# Environmental assessment

## 25-33 Erskine Street

A submission was received during the initial consultation process regarding overshadowing of the solar array on the roof of 25-33 Erskine Street, which adjoins the site to the west. The submission in particular raised concerns with the proposed 6m setback above the podium. It is considered from analysis of the shadow diagrams that an increase in setback to Erskine Street to 8m will not make a significant difference in terms of overshadowing of the roof of the adjoining building, however, at certain times of the year may mean a slight increase in solar access in the morning.

### 5.7.3 Wind

A Pedestrian Wind Environment Study has been prepared by Windtech and is provided at Appendix S. The report presents the results of a detailed investigation into the wind impact of the proposed development.

The results of the study indicate that wind conditions for the majority of trafficable outdoor locations around the ground floor of the development will be suitable for their intended uses. However, some areas, particularly the elevated terrace areas of the development, will experience strong winds which will exceed the relevant criteria for comfort and/or safety. Mitigation measures are provided to address this.

The report provides suggested treatments, which will be further detailed in a Stage 2 SSDA, including the inclusion of 1.5m impermeable screens and densely foliating vegetation to protect elevated terrace areas. Street trees along Kent Street will be effective in satisfying the comfort conditions at ground level along the east facing façade of the development.

### 5.7.4 Reflectivity

Reflectivity will be a factor of the materials and finishes used in the development and will be considered in the future Stage 2 SSDA.

### 5.7.5 Visual and acoustic privacy

The proposed development has been designed to provide setbacks to side boundaries in accordance with the Sydney DCP 2012. A setback of 6m is proposed to the western boundary of the site, such that windows addressing this boundary will be provided with sufficient separation distance to the adjacent building to ensure adequate visual privacy. To the west of the site, the adjoining building provides a blank wall to the shared property boundary and will therefore not impact upon the visual privacy of hotel occupants. If the adjoining site were to redevelop in the future, it is assumed that any windows proposed adjacent the shared property boundary will also

be provided with setbacks in accordance with the DCP, meaning a sufficient separation between windows will be achieved.

The adjoining building to the south (309 Kent Street) has an irregular alignment to the shared property boundary. To address this, it is proposed to provide an angled setback to the boundary of between 0m and 2.5m. This will allow for a continual separation distance of 2.5m between the proposed building and the existing building at 309 Kent Street. To ensure visual privacy is maintained on the adjoining site, windows will not be proposed on this elevation. The proposed setback results in a better planning outcome to 309 Kent Street.

The Acoustic Report at Appendix T confirms that the noise intrusion into the development from external noise sources, as well as external noise emission, satisfy the requirements of the relevant legislation, policies and guidelines.

## 5.8 Visual Impacts

A Visual Impact Assessment (VIA) has been prepared by Architectus and is attached at Appendix E.

The methodology used to prepare the VIA has been developed by Architectus based on the relevant Planning Principles for view assessment established by the NSW Land and Environmental Court (NSW LEC), and relevant standards and best practice for photography and preparation of photomontages.

The proposed building envelope will provide for development that will be visible within the city skyline, especially when viewed from the west, however it is not considered to be a prominent feature of public views. The proposal generally sits comfortably within the existing pattern of development in Central Sydney, particularly within the western corridor, and it is considered that the development will not detract from the appreciation of views towards the city skyline.

It is noted that the draft CSPA identifies a view corridor from Martin Place. The proposed development envelope would be visible from one of the two identified locations, being View 'M1' located at the eastern most point of Martin Place, adjacent to Macquarie Street. The importance of the view is considered to be 'high', because it has been identified by the draft CSPA, however, the view change as a result of the proposed development is considered to be 'low-moderate' because the proposed building envelope will not become a prominent part of the view and it will not obstruct any buildings or iconic elements within the view.



## Environmental assessment

The proposal has been demonstrated to result in a negligible, low or low-moderate change in all views assessed. Where the proposal does affect views, it does not obstruct elements of high significance or iconic importance (primarily, views of the water, views of the GPO clock tower or locations of specifically documented importance) that are noted in the NSW LEC Planning Principles and CSPS.

### 5.9 Public Domain and Public Access

The Concept SSDA can accommodate future public domain and public access improvements, which will be developed and refined through a subsequent Stage 2 SSDA. The Architectural Design Report prepared by DBI Architects at Appendix B contains details of potential elements, including a forecourt plaza at the street frontage to Kent Street containing a bar and lounge area with full height glazing to activate the public domain.

The existing ROW which runs adjacent the northern property boundary is proposed to be retained and integrated into the proposed development and provides an opportunity for an activated laneway - potentially allowing opportunities for outdoor dining.

Works within the public domain, such as works to Council's footpath, will be undertaken in accordance with the relevant requirements of the City of Sydney and will be detailed in the future Stage 2 SSDA.

### 5.10 Transport, traffic, parking and access (Operation)

The Vehicle Access and Pedestrian Impact Report has been prepared by ARUP and provided at Appendix R provides an assessment of the proposed vehicular access from Erskine Street serving the future hotel.

The report includes an analysis of current pedestrian volumes at both Kent Street and Erskine Street, and finds that the volume experienced at Erskine Street is consistently less throughout the day when compared with Kent Street, particularly in the morning and lunch peak hours. Furthermore, pedestrian volumes are higher on the northern side of Erskine Street than on the southern footpath as there is no pedestrian crossing on the southern side (Erskine Street/York Street intersection).

The report also includes a comparison of uncontrolled driveway style entrances within Central Sydney, and finds that as the proposal has a lower forecast vehicle crossover, the proposed vehicular access will be expected to operate

at a similar or better level than the comparison examples and accordingly not have a negative impact on pedestrians on Erskine Street.

Queuing assessment has also found that the amount of vehicles waiting for pedestrians to cross would be minimal. The report concludes that vehicular access on Erskine Street would therefore result in less conflict between pedestrians and vehicles throughout the day, and provide a better outcome than vehicular access from Kent Street.

The report provides mitigation measures, which are provided at Section 6.

### 5.11 Heritage and Archaeology

#### 5.11.1 Heritage

A Statement of Heritage Impact (SHI) has been prepared by GBA Heritage and is provided at Appendix F. The SHI gives consideration to the impacts of the proposed development on the existing buildings on the site, as well as the impact on surrounding heritage items.

Demolition of all existing buildings located within the subject site will occur in the future as part of realising the development within the proposed building envelope. None of the buildings are individually listed as heritage items in Schedule 5 of the Sydney LEP 2012, nor are they located within the boundaries of a heritage conservation area.

The Sydney DCP 2012 requires that a SHI be prepared for any building older than 50 years which considers its heritage significance. Accordingly, given all site buildings are older than 50 years, their significance has been considered. The SHI finds that none of the buildings are considered to have significance that reaches the threshold for local heritage listing. Therefore, future demolition is, considered to be acceptable from a heritage perspective as it will have no adverse impact on significant buildings or fabric.

The subject site is located in the vicinity of various heritage items, as identified in Section 2.7 of this EIS and in the accompanying SHI. The SHI provides that given the site is physically and visually separated from these items by the width of either Kent Street or Erskine Street, the proposal will have no physical impact on these heritage items.

#### 5.11.2 Archaeology

A Baseline Historical Archaeological Assessment has been prepared by Extent Heritage at Appendix H. The Report states that it is likely that the subject area has been continuously occupied since c. 1802-1807. There is

## Environmental assessment

potential for archaeological remains from the early military or residential occupation of Kent Street to survive on the site, which may be of State significance. If they survive, these would require a section 60 excavation permit under the Heritage Act.

The subject area underwent two periods of significant demolition and change during the mid-nineteenth century (1855-1884) and late nineteenth and early twentieth century (1884-1910). It is likely that the subject area was levelled at each of these periods of change, with fills introduced over the existing deposits.

The potential archaeology of the subject area is low to moderate for early occupation phases and is likely represented by postholes, structural remains, hoe marks, garden features and refuse pits. The potential archaeology of the subject area is moderate to high for mid nineteenth century occupation to present and is likely represented by yard surfaces, building footings, wells or cisterns, occupational deposits, drainage and services.

Intact archaeological evidence relating to early military and residential occupation of the subject area would be of State significance and may be considered relics under the Heritage Act. Intact archaeological evidence relating to nineteenth century development and occupation in the subject area would be of local significance

Future development within the proposed building envelope, such as for excavation to accommodate the future basement, will have substantial subsurface impacts on the archaeological remains. Accordingly, it is recommended that a condition of consent be imposed on the Concept SSDA that a historical Archaeological Research Design (ARD) be undertaken prior to the commencement of any works associated with a future Stage 2 SSDA and/or DA for demolition and excavation.

### 5.11.3 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) is currently being prepared by GML Heritage. The assessment will consider the historical, social, aesthetic and scientific potential of the site. GML has commenced the assessment in line with Department of the Environment, Climate Change and Water (DECCW) requirements. It is anticipated the assessment will be completed by the end of May 2019.

GML have prepared a letter outlining the assessment process and initial findings at Appendix G. The initial findings state that the site has a low sensitivity for Aboriginal archaeological objects (as afforded statutory protection under the *National Parks and Wildlife Act 1974*).

The ACHAR will be submitted to the consent authority for consideration prior to the determination of the subject SSDA.

## 5.12 Waste

A Waste Management Plan has been prepared by Waste Audit and is provided at Appendix U. The report provides an overview of anticipated waste generation and waste management of the development and given consideration to the City of Sydney's and other Authority's requirements, including the City of Sydney's *"Policy for Waste Minimisation in New Developments"* and the NSW Environmental Protection Authority's *"Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities"*. It is intended to inform the design of the waste services by identifying the estimated waste profile for the development and providing the total area required by the recommended equipment/systems.

Waste management will be addressed in more detail in the Stage 2 SSDA, however, at this stage it is proposed that waste storage areas will be accessed by the site cleaning/maintenance staff only, retail/food and beverage tenants will not have access to these areas as they will either dispose of wastes/recyclables via the chute system or be removed by the cleaning/maintenance staff.

On-site collection will be undertaken by a private waste contractor from the loading bay on lower ground level accessible via Erskine Street.

## 5.13 Biodiversity

There is no existing significant biodiversity on the site which could be impacted by the proposed development.

The subject site is located in a highly urbanised context in Central Sydney and has been historically cleared of any vegetation. The site is occupied entirely by existing buildings. Further, the Office of Environment and Heritage (OEH) Biodiversity Values Map does not identify the land as having high biodiversity value.

Based on the above, it was requested that the requirement under the SEARs for a Biodiversity Development Assessment Report (BDAR) be waived under the circumstances. Provided at Appendix X is a letter issued by the DPE formally waiving this requirement.

## 5.14 Ecologically Sustainable Development (ESD)

An Ecologically Sustainable Development (ESD) Report has been prepared for the proposed development and is

## Environmental assessment

provided at Appendix L. The Report details how the best practice ESD principles will be incorporated in the design and ongoing operation phases of the development.

Specifically, the report provides:

- Actions to maximise indoor environmental quality;
- Actions to maximise energy efficiency;
- Actions to maximise water efficiency;
- Actions for sustainable transport; and
- Actions for waste avoidance and recycling.

### 5.15 Groundwater

The Geotechnical Report at Appendix M provides that groundwater was encountered during investigations on the site. A groundwater licence application will therefore be required as part of future development from the NSW Department of Primary Industries (DPI) and would include a dewatering management plan.

The Geotechnical Report considers it would be prudent to give consideration to precautionary drainage measures in the design and construction of the proposed development, which may include:

- Strip drains or drainage materials should be installed behind the shoring/retaining walls in conjunction with collection trenches or pipes and pits connected to the building stormwater system. A temporary storage tank and pump system may be required.
- For exposed excavated bedrock, dish drains should be installed around the perimeter to collect any seepage water.
- Groundwater seepage and surface water infiltration should be controlled by sump and pump methods during construction.

### 5.16 Geotechnical

A Geotechnical Investigation Report has been prepared by Chameleon Geosciences and is provided at Appendix M. This investigation has been prepared to determine the suitability of geotechnical conditions to the accommodate the proposal.

Based on the available geotechnical information, future development within the proposed building envelope is considered feasible from a geotechnical perspective.

Following demolition of the existing buildings (under future development approvals), it is recommended that additional geotechnical investigations comprising at least two cored

boreholes, be carried out to confirm the findings and recommendations presented within the Report.

### 5.17 Contamination

A Detailed Site Investigation (DSI) Report has been undertaken for the site by Aargus (Appendix J) which assesses the potential for site contamination.

The findings of the assessment indicated the following areas of potential environmental concern:

- The potential importation of uncontrolled fill under the concrete slabs within building footprint;
- Current and previous site uses;
- Potential use for pesticides;
- Chemical and paint storage areas; and
- Asbestos based building materials.

A summary of the soil results of the assessment are provided below:

- All of heavy metals concentrations from the soil samples analysed met their respective assessment criteria under the HIL 'D' land use scenario.
- The TRH, BTEX and naphthalene concentrations from the samples met their respective HSLs and/or Management Limits.
- The benzo(a)pyrene (as TEQ), Total PAH, OCP, PCB, Cyanides and Phenols concentrations were below the HIL 'D'.
- No asbestos was observed during site inspection or detected in any of the samples analysed.

Based on the results of the investigation, the Report concludes that the risks to human health associated with soil contamination at the site is negligible within the context of the proposed use of the site for a Hotel.

### 5.18 Acid sulfate soils

The Sydney LEP 2012 identifies the site as having the potential for Class 5 acid sulfate soils.

The Geotechnical Investigation Report at Appendix M states that bedrock was encountered from ground level within the site and that, based on the above classification and the ground conditions encountered, it is considered that acid sulphate soils will not be encountered during the excavation.

### 5.19 Flooding and Stormwater

A Stormwater Management Report has been prepared for the proposed development by LP Consulting and is provided at Appendix O. The Report details how a future development of the site may manage stormwater, including water sensitive urban design, and also provides the flood-related requirements of the proposed development.

The Report provides that the level of the PMF in Erskine Street, adjacent the site, is RL 12.3m and notes that the floor levels of the indicative scheme are above this height. Further, the proposed building envelope allows for a future building which is capable of satisfying the requirement for the basement access threshold level to be at or above the level of the PMF.

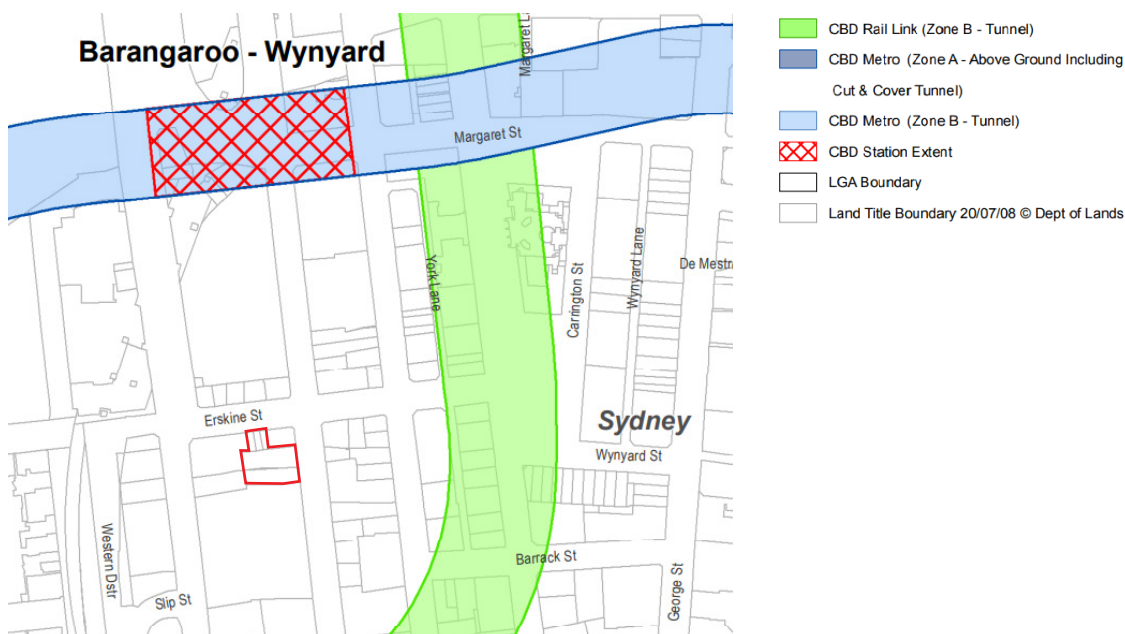
### 5.20 Developer contributions

The proposed development will be subject to development contributions under section 61 of the *City of Sydney Act 1988*. It is anticipated that the payment of development contributions will be required as a condition of consent on a future Stage 2 SSDA.

### 5.21 Infrastructure

A Services Feasibility Report has been prepared for the proposed development by Romanos Consulting and is provided at Appendix N. The report details the services available to the site and the potential augmentation requirements of the development for the provision of utilities. Given the site is located within Central Sydney, there is no constraint on development on the basis of the availability of services or infrastructure to service the development, however, certain augmentation works will be required. Further details of the infrastructure and services proposed in the development will be provided in a future Stage 2 SSDA.

Provided at Figure 33 below is an extract of Interim Rail Corridor CBD Rail Link & CBD Metro Map confirming that the site is not located within an identified rail corridor. Impacts on existing and proposed rail infrastructure are considered in both the Services Feasibility Report and the Geotechnical Report (Appendix M). There is existing high-voltage underground infrastructure running along the street frontages of the site which is unlikely to be affected by the future development of the site, however, depending on the augmentation of services, this infrastructure may need to be considered in future stages.





# 6 Mitigation measures

This section provides the mitigation measures to address the matters identified in the environmental assessment.

# Mitigation measures

## 6.1 Mitigation Measures

The Environmental Assessment in Section 5 of this report has identified and assessed a range of issues associated with the proposed development in accordance with the applicable legislation and the requirements of the SEARs. On the basis of that assessment, a comprehensive list of recommended mitigation measures has been prepared below at Table 10 to mitigate these impacts. It is concluded that subject to the measures below, the proposal will not have a significant impact on the environment.

Table 10. Mitigation Measures

Issue	Recommended Mitigation Measures
<b>Design Excellence</b>	<ul style="list-style-type: none"> <li>– Prior to the preparation of a Stage 2 SSDA a competitive design process is to be undertaken in accordance with the Design Excellence Strategy prepared by Architectus and provided at Appendix V.</li> </ul>
<b>Built form and urban design</b>	<ul style="list-style-type: none"> <li>– Future development is to be consistent with the proposed maximum building envelope as detailed in the Urban Design and Architectural Design report prepared by DBI Architects and provided at Appendix B, so as to ensure that the impacts of the proposed development on adjacent properties and the public domain are not worse than those assessed in this concept proposal.</li> </ul>
<b>Amenity</b>	
Wind	<ul style="list-style-type: none"> <li>– Suggested wind mitigation treatments outlined in the Pedestrian Wind Environment Study prepared by Windtech (Appendix S) should be incorporated as part of any Stage 2 SSDA submission.</li> </ul>
Reflectivity	<ul style="list-style-type: none"> <li>– Consideration of potential solar glare from the facade of the proposed development will be considered in the future Stage 2 SSDA.</li> </ul>
Visual & acoustic privacy	<ul style="list-style-type: none"> <li>– Any windows proposed adjacent the southern boundary of the site as part of the future Stage 2 SSDA should be designed to not result in any unsatisfactory privacy impacts (such as by providing setback windows or oblique views).</li> <li>– The recommendations of the Noise Impact Assessment prepared by Acoustic Logic and provided at Appendix T which relate to internal and external noise levels shall be taken into consideration in future stages of the project. The recommendations which relate to construction noise shall be considered in the preparation of a Construction and Demolition Management Plan as part of the future Stage 2 SSDA.</li> </ul>
<b>Visual Impacts</b>	<ul style="list-style-type: none"> <li>– Facade articulation, materials and finishes proposed as part of the future Stage 2 SSDA will need to give consideration to visual impact.</li> </ul>
<b>Public domain and public access</b>	<ul style="list-style-type: none"> <li>– Works within the public domain, such as works to Council's footpath, are to be undertaken in accordance with the relevant requirements of the City of Sydney and are to be detailed in the future Stage 2 SSDA.</li> <li>– Any future Stage 2 SSDA must be accompanied by a Detailed Public Art Plan.</li> </ul>
<b>Transport, traffic, parking and access</b>	<ul style="list-style-type: none"> <li>– A Construction Traffic Management Plan (CTMP) should be prepared as part of the future Stage 2 SSDA.</li> <li>– Vehicle and loading access is to be provided off Erskine Street only.</li> </ul>
<b>Heritage and archaeology</b>	
Non-Indigenous Heritage	<ul style="list-style-type: none"> <li>– Prior to the demolition of the buildings on the site, an archival photographic recording of all the subject buildings is to be prepared in accordance with the NSW Heritage Council publication "Photographic Recording of Heritage Items Using Film or Digital Capture".</li> </ul>

## Mitigation measures

Issue	Recommended Mitigation Measures
Archaeology	<ul style="list-style-type: none"> <li>– An Archaeological Research Design (ARD) is to be completed prior to any on-site works.</li> </ul>
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> <li>– An Aboriginal Cultural Heritage Assessment Report (ACHAR) is currently being prepared by GML Heritage, in adherence to the SEARs requirements. GML have prepared a letter outlining the assessment process and initial findings at Appendix G</li> <li>– Any future Stage 2 SSDA should address the findings and recommendations of the ACHAR.</li> </ul>
Waste	<ul style="list-style-type: none"> <li>– A detailed Waste Management Plan must be provided as part of any future Stage 2 SSDA.</li> </ul>
Ecological Sustainable Development	<ul style="list-style-type: none"> <li>– Future development on the subject site will be required to comply with the ESD requirements set out in the ESD Report prepared by Building &amp; Energy Consultants Australia at Appendix L.</li> </ul>
Soil and contamination	<ul style="list-style-type: none"> <li>– Any soils requiring removal from the site, as part of future works, should be classified in accordance with the “Waste Classification Guidelines, Part 1: Classifying Waste” NSW EPA (2014).</li> </ul>
Water and soils	<ul style="list-style-type: none"> <li>– As groundwater was intersected during the investigation, a groundwater licence application will be required from the NSW Department of Primary Industries (DPI). The application is to include a dewatering management plan to satisfy the DPI requirements. This application is to be submitted as part of the future Stage 2 SSDA.</li> </ul>
Flooding and stormwater	<ul style="list-style-type: none"> <li>– Entries to basements and vertical circulation points need be at or above the level of the PMF (RL 12.3m). Refer to the Stormwater Design Management Report at Appendix O for more information.</li> </ul>







# 7 Conclusion

This section provides the conclusion to this EIS.

# Conclusion

## 7.1 Conclusion

This Environmental Impact Statement (EIS) has been prepared by Architectus on behalf of Romanous developments Pty Ltd, and is submitted to the Department of Planning and Environment (DPE) (as delegate of the Minister for Planning) in support of a Concept SSDA at 301-305 Kent Street and 35-39 Erskine Street, Sydney.

In summary, this Concept SSDA seeks consent for:

- The establishment of a building envelope up to a height of RL 96.2m;
- Use of the site as a hotel (with ancillary uses);
- Pedestrian and vehicular access arrangements; and
- The provision of on-site bicycle and car parking.

As illustrated by the reference scheme, subject to demonstrating design excellence through a future competitive design process and Stage 2 SSDA, the proposed building envelope will accommodate a 29-storey hotel development comprising:

- A two (2) storey lower podium with entry via Kent Street (Upper Ground) containing a forecourt plaza and hotel lobby, hotel amenities and function rooms, plant, back-of-house (BOH), and rear courtyard terrace;
- 24 storeys of hotel accommodation containing 360 rooms, hotel GFA of up to 10,432 sqm, plant rooms and a rooftop bar and terrace; and
- A Lower Ground entry via Erskine Street with up to five (5) levels of basement car parking accommodating 81 vehicle spaces (comprising 77 car parking spaces, two (2) spaces for drop-off and pick-up, and two (2) service vehicle bays), bicycle and motorcycle spaces.

The detailed design of the future building, demolition of the existing buildings on site, and construction of the proposed development will be the subject of future development approvals.

This EIS has assessed the proposal against the relevant planning legislation and policies and the issues outlined in the Secretary's Environmental Assessment Requirements (SEARs) and concludes that, subject to the implementation of appropriate mitigation measures, the proposed development will have an acceptable environmental impact.

The proposed development will enhance the availability of well-designed hotel accommodation within Central Sydney, supporting State and Council strategic directions to enhance Central Sydney's role as a strategic and vibrant centre for tourism and employment.

The proposed development is permitted within the B8 Metropolitan Centre Zone and is generally compliant with the relevant provisions of the Sydney LEP 2012. The proposed minor non-compliance with the maximum building height prescribed by Clause 4.3 of the LEP has been suitably justified. It is considered that strict compliance with the clause is unnecessary in this case, given the proposed building envelope is compliant with the objectives of the standard and the zone, and the variation comprises 5.6% of non-compliance with the development standard.

Having regard to the above, it is recommended that the proposed development be approved by the consent authority.

# A Appendix

Secretary's Environmental Assessment  
Requirements  
*Department of Planning and  
Environment*

# B Appendix

Architectural Plans and Design Report  
*DBI Architects*



# C Appendix

Site Survey

*Harrison Friedmann & Associates Pty Ltd*

# D Appendix

Clause 4.6 Variation Request  
*Architectus*

# E Appendix

Visual Impact Assessment  
*Architectus*

# F Appendix

Statement of Heritage Impact  
*GBA Heritage*



# G Appendix

Aboriginal Heritage Assessment  
*GML Heritage*

# H Appendix

Historical Archaeological Assessment  
*Extent*

# I Appendix

BCA / Access Capability Statement  
*Design Confidence*

# J Appendix

Detailed Site Investigation  
*Aargus*



# K Appendix

Quantity Surveyor Report  
*WT Partnership*

# L Appendix

Ecologically Sustainable Development  
(ESD) Report

*Building & Energy Consultants Australia*

# M Appendix

Geotechnical Investigation Report  
*Chameleon Geosciences*

# N Appendix

Services Feasibility Report  
*Romanos Consulting*



# O Appendix

Stormwater Management Report  
*LP Consulting*

# P Appendix

Structural Report  
*John Romanous & Associates*

# Q Appendix

Traffic and Parking Assessment Report  
*Varga Traffic Planning*

# R Appendix

Vehicle Access and Pedestrian Impact  
*ARUP*

# S Appendix

Pedestrian Wind Environment Study  
*Windtech*



# T Appendix

Noise Impact Assessment  
*Acoustic Logic*

# U Appendix

Waste Management Plan  
*WasteAudit*

# V Appendix

Design Excellence Strategy  
*Architectus*

# W Appendix

Consultation letter  
*Architectus*

# X Appendix

BDAR Waiver  
*Department of Planning and  
Environment*



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