

**Consultation and correspondence with Council and the Department**

Date	Consultation or correspondence
29 November 2016	<p><b>Meeting with the City of Sydney</b></p> <p>Architectus met with the City of Sydney to present the site and proposed development intent, including presentation of three preliminary design options which reflected the built form controls under the Draft Central Sydney Planning Strategy. Note this meeting occurred prior to knowing the hotel component was over \$100 million CIV and therefore constituted SSD.</p> <p>Council attendees included:</p> <ul style="list-style-type: none"> <li>• Tim Wise, Senior Specialist Planner;</li> <li>• Sally Peters, Manager Central Sydney Planning, Strategic Planning and Urban Design; and</li> <li>• Graham Jahn, Director City Planning.</li> </ul> <p>Council generally supportive of proposed built form and proposed uses. Council raised concerns that insufficient “outlook” was proposed for the proposed hotel tower. Architectus consider that the inability for adjoining sites to develop due to heritage and other constraints need to be considered.</p> <p>Comments made by Council that the proposal was preemptive and that they were still awaiting a Gateway determination for their proposal and that they would wish to finalise their Central Sydney Planning Strategy before considering site-specific Planning Proposals.</p>
27 March 2017	<p><b>Architectus issued Planning Proposal briefing letter to NSW Department of Planning and Environment (Attachment C)</b></p> <p>Architectus submitted a briefing letter to the Department of Planning and Environment to provide an overview of the proposed development and a request for the Department to be the Relevant Planning Authority (RPA) for the Planning Proposal.</p> <p>This letter included an overview of the following:</p> <ul style="list-style-type: none"> <li>• An overview of the site and context</li> <li>• An overview of the proposed development</li> <li>• Relationship of the proposal to the draft Central Sydney Planning Strategy;</li> <li>• The views of the City of Sydney Council towards the proposed development;</li> <li>• Request and justification for the Minister for Planning to make the EPI, including reasons as to why DPE should be the RPA (the development will be SSDA and the Planning Proposal may therefore be considered to be of “state or regional environmental planning significance” under section 54 of the EP&amp;A Act 1979)</li> </ul> <p>This letter also included a copy of the Urban Design Study and reference design for the proposed mixed-use hotel development.</p>
30 March 2017	<p><b>Meeting with NSW Department of Planning and Environment</b></p> <p>In response to the briefing letter above, a meeting was held with the Department to discuss the proposed development, Planning Proposal and request for the Minister to make the EPI, particularly in light of the subsequent State Significant Development Application (SSDA) processes.</p> <p>Department attendees included:</p> <ul style="list-style-type: none"> <li>• Stephen Murray, Executive Director - Regions;</li> <li>• Anthea Sargeant, Executive Director – Key Sites and Industry Assessments;</li> <li>• Sandy Chappel, Director, Sydney Region East; and</li> <li>• Ben Lusher, Director – Key Sites Assessments.</li> </ul>

<p>18 May 2017</p>	<p><b>Email from Marcus Ray, Deputy Secretary Planning Services, NSW Department of Planning and Environment (Attachment D)</b></p> <p>Following the preceding meeting above, email correspondence was received from the Department stating that the Department does not see any impediment to considering the Planning Proposal before the finalisation of the draft Central Sydney Planning Strategy and also that the Department would be likely to support any Planning Proposal advanced by the City of Sydney Council in conformity with proposed standards under the Draft Central Sydney Planning Strategy.</p> <p>This letter however provides that the circumstances which may trigger the Department as the RPA are not established at this time, and that the City of Sydney Council is to be RPA, whilst noting that the rezoning review process is available as an option should Council not support the proposal or fails to reach a decision within 90 days of receiving the Planning Proposal.</p>
<p>9 June 2017</p>	<p><b>Email to the City of Sydney (Attachment E)</b></p> <p>Due to there being an extended wait time for a meeting with the City of Sydney (originally approx. 6 weeks and later brought forward, so being 1 month after the request) Architectus requested some advice and feedback in advance of the meeting. The following queries were raised:</p> <ol style="list-style-type: none"> <li><b>1. Timing of Request for SEARs</b> A concurrent PP and SSDA process is preferred by Architectus as this would allow for the more efficient assessment and consideration of the proposal, and also give greater certainty to the consent authority and RPA as to the future built form outcomes, given that the DCP would not apply the SSD.</li> <li><b>2. Delegation of SSDA Assessment Function</b> Architectus queried whether it would be the City's preference to have the assessment function of the SSDA delegated</li> <li><b>3. Timing of consent for demolition and early works</b> Queries in relation to Clause 7.19 of the Sydney LEP 2012 which have an implication on project timing, and specifically the applicant's desire to progress demolition and early works as early as possible in the process.</li> </ol> <p>A response to these matters was provided by Benjamin Pechey by phone on 23 June 2017. In summary, the response was, the Council would not support submission of Request for SEARs until the Planning Proposal had been on exhibition and endorsed by Council and CSPC; Council would support the SSDA being delegated to them to determine; and that demolition could form part of a Stage 1 DA [note later discussions with Council specified their preference for a single DA – this meant that demolition could only occur later in the process].</p>
<p>29 June 2017</p>	<p><b>Meeting with the City of Sydney</b></p> <p>Following receipt of confirmation from the Department that the City of Sydney should be the RPA, a meeting was held with the City of Sydney to present the proposal and to detail Architectus' intent to lodge a site-specific Planning Proposal ahead of the finalisation of the Draft Central Sydney Planning Strategy – with emphasis placed on the need for prompt progression of a Planning Proposal if the project is to proceed, given the impending lapsing of the lease with NSW Property.</p> <p>Council attendees included:</p> <ul style="list-style-type: none"> <li>• Graham Jahn;</li> <li>• Chris Coradi;</li> <li>• Benjamin Pechey;</li> <li>• Sarah Hotchin; and</li> <li>• Tim Wise.</li> </ul> <p>Council was generally supportive of the proposal and noted that proposed setbacks, despite not being strictly consistent with the Draft DCP (Note: DCPs do not apply to State Significant Development), would likely be supportable subject to demonstrating that these would not result in any unsatisfactory impacts in terms of wind and daylight access to Bligh Street. Council suggested that the Planning Proposal could be prepared in such a way as to not require the preparation of a Stage 1 SSDA.</p>
<p>5 July 2017</p>	<p><b>Email to Benjamin Pechey, Acting Executive Manager Strategic Planning &amp; Urban Design; and Chris Corradi, Area Planning Manager – City of Sydney (Attachment F)</b></p>

	<p>Email sent as follow up to the above meeting proposing submission documentation and proposed planning pathway, given complexity around SSD and satisfaction of Clause 7.20 which requires the preparation of a site-specific DCP (which would then not apply to the development).</p> <p>No response formally provided but discussions with Tim Wise over the phone suggested an in-principle support for the proposed pathway, but Council hesitant to respond.</p>
<p>19 July 2017</p>	<p><b>Email to Tim Wise, Senior Specialist Planner, City of Sydney (Attachment G)</b></p> <p>Email sent to advise Council of intent to lodge a planning proposal on 28 July 2017 containing the material listed in the email of 5 July 2017, with the exception of pedestrian analysis and wind tunnel testing (which had at the time commenced, but not been completed).</p> <p>Queried applicable fee at lodgement.</p>
<p>21 July 2017</p>	<p><b>Email from Tim Wise, Senior Specialist Planner, City of Sydney (Attachment H)</b></p> <p>The email from Council to Architectus responds to matters discussed at the preceding meeting above and requests a Planning Proposal pre-submission be provided including documentation package.</p> <p>Key points raised by Council and items requested as part of this pre-submission included:</p> <p><b>Documentation requested</b></p> <ul style="list-style-type: none"> <li>• Detailed covering letter outlining the proposed development, including an assessment against the Central Sydney Planning Strategy (Including associated Central Sydney Planning Proposal and Draft DCP);</li> <li>• Concept urban design study and built form drawings (including indicative site layout, building envelopes, proposed heights and floor space ratio);</li> <li>• Wind assessment;</li> <li>• Pedestrian assessment;</li> <li>• Daylight (sky view factor) analysis; and</li> <li>• Indicative public benefit offer.</li> </ul> <p><b>Planning Proposal must demonstrate compliance with the Draft Central Sydney Planning Strategy</b></p> <ul style="list-style-type: none"> <li>• Advice that any Planning Proposal (including pre-submission) must demonstrate compliance with the Draft Central Sydney Planning Strategy, and <i>"must not rely on existing controls for justification"</i>.</li> <li>• For the purposes of this assessment, the Draft Central Sydney Planning Strategy is take to include:             <ul style="list-style-type: none"> <li>○ The Draft Central Strategy Planning Strategy 2016-2036</li> <li>○ Central Sydney Planning Proposal;</li> <li>○ Draft Central Sydney Affordable Housing Program; and</li> <li>○ Sydney DCP 2012 (Central Sydney Planning Strategy Amendment).</li> </ul> </li> </ul> <p><b>Advice on request of SEARs</b></p> <ul style="list-style-type: none"> <li>• Councils position was provided that SEARs should not be requested until after Council and CSPC have approved a post exhibition planning proposal.</li> </ul> <p><b>Architectural design competition</b></p> <ul style="list-style-type: none"> <li>• Council provided advice that the proposal is to be subject to a full architectural design competition</li> </ul> <p><b>LEP 2012 – Clause 19 Demolition</b></p> <ul style="list-style-type: none"> <li>• That the development must be staged or designed having regard to this clause.</li> </ul> <p>Council specified they would provide the Planning Proposal form and confirm lodgement fees once all is provided to their satisfaction.</p> <p>The pre-submission Planning Proposal incorporates all matters raised by Council within this email.</p>
<p>4 August 2017</p>	<p><b>Architectus issued pre-submission Planning Proposal documentation to the City of Sydney (Attachment I)</b></p> <p>Planning Proposal pre-submission letter and documentation package provided to Council, including, however not limited to:</p> <ul style="list-style-type: none"> <li>• Detailed covering letter, prepared by Architectus;</li> <li>• Architectural plans prepared by Architectus;</li> </ul>

	<ul style="list-style-type: none"> <li>• Building envelope and urban design study prepared by Architectus;</li> <li>• Assessment of compliance against the Draft Central Sydney Planning Strategy;</li> <li>• Sky view analysis prepared by Architectus;</li> <li>• Preliminary Pedestrian Wind Environment Statement prepared by Windtech;</li> <li>• Draft Public Benefit Offer prepared by Architectus; and</li> <li>• Capital Investment Value Report, prepared by WT Partnership.</li> </ul> <p>Note it was agreed beforehand with Council that the Wind Tunnel Testing, and the Pedestrian Assessment Study would be provided at a later date.</p>
7 August 2017	<p><b>Meeting with City of Sydney to discuss Pedestrian Analysis requirements.</b></p> <p>Council attendees included:</p> <ul style="list-style-type: none"> <li>• Jesse McNicoll, Urban Design Coordinator; and</li> <li>• Tim Wise, Senior Specialist Planner</li> </ul> <p>Brief discussion also held in relation to Daylight (Sky View Factor) Analysis. Council asked for an updated report which detailed what would be required to be done to the building envelope to achieve equivalent or improved outcome in sky visibility compared with a compliant building envelope.</p>
23 August 2017	<p><b>Submission of Updated Sky View Factor Analysis to Council</b></p> <p>Submission of updated Sky View Factor Analysis prepared by BIM Consulting (Architectus) to Council via email addressing requirements specified in above meeting.</p>
25 August 2017	<p><b>Submission of Detailed Pedestrian Wind Environment Study to Council</b></p> <p>Detailed Pedestrian Wind Environment Study (wind tunnel testing) prepared by WindTech and issued to Council via email.</p>
1 September 2017	<p><b>Submission of Draft Pedestrian Assessment Study to Council</b></p> <p>Draft Pedestrian Study submitted to Council via email. Study issued by Sarah Zhang (AECOM) to Council Officers Jesse McNicoll and Tim Wise.</p>
4 September 2017 (received 7 September 2017)	<p><b>Letter from Graham Jahn, Director of City Planning, City of Sydney (Attachment J)</b></p> <p>The letter addressed to Michael Harrison of Architectus provides that the City of Sydney will not consider a planning proposal for 4-6 Bligh Street until the Draft Central Sydney Planning Strategy has the support of the NSW Government and has been publicly exhibited.</p>
11 September 2017	<p><b>Letter sent to Marcus Ray, Deputy Secretary Planning Services, NSW Department of Planning and Environment (Attachment K)</b></p> <p>A letter was sent the Marcus Ray and DPE officers advising of Council's position regarding lodgement of a Planning Proposal and requesting that either:</p> <ul style="list-style-type: none"> <li>– The Department take on the role of the RPA and progress the Planning Proposal; or</li> <li>– Facilitate a Rezoning Review</li> </ul>
3 October 2017	<p><b>Meeting with Department of Planning and Environment to discuss progressing the Planning Proposal</b></p> <p>Following on from the letter sent to Marcus Ray on 11 September, a meeting was held with DPE officers to discuss options for progressing the Planning Proposal. The history of the project and the potential for the DPE/PAC to be the RPA was discussed. DPE attendees included:</p> <ul style="list-style-type: none"> <li>• Karen Armstrong – Director, Sydney Region East; and</li> <li>• Wayne Williamson – Team Leader, Sydney region East</li> </ul> <p>The Department indicated that they considered the Proposal to have merit and that there the letter from Graham Jahn dated 4 September 2017 provided sufficient grounds to enable a Rezoning Review to occur.</p> <p>At this meeting Architectus provided the Department with a copy of the draft Planning Proposal and key supporting documents.</p>
19 October 2017 (received 20 October)	<p><b>Response from Marcus Ray to Architectus' letter dated 11 September 2017 (Attachment L)</b></p>

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In a letter provided as a response to Architectus' letter dated 11 September 2017 requesting the Department to facilitate a Rezoning Review, Marcus Ray, Deputy Secretary Planning Services, DPE, advised:

- *"While acknowledging Council's draft Strategy is an important step in establishing a new planning framework for Central Sydney, I note that site-specific planning proposal requests can still be submitted and are to be assessed on their merits. The current status of the draft Strategy should not preclude Council giving due consideration to individual proposals";* and
  - *"Given Council's decision to not consider the proposal request prior to the Strategy being close to finalisation, I have formed the opinion that you are eligible for a Rezoning Review."*
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