

Item 4.**Development Application: 174-186 & 200A George Street and 33-35 Pitt Street, Sydney**

File No.: D/2017/1479

Summary**Date of Submission:** 27 October 2017**Applicant:** Lendlease Development Pty Ltd**Architect:** Fosters+Partners**Developer:** Lendlease**Owner:** Lendlease (Circular Quay) Pty Ltd
City of Sydney Council**Cost of Works:** \$25,535,355**Zoning:** B8 Metropolitan Centre Zone. Proposal permissible with consent.**Proposal Summary:** The application seeks consent for bulk excavation, shoring works, construction of footings, lower basement slab and lift core slab and associated works.

The application is referred to the Local Planning Panel for determination as Council is an owner of one of the parcels of land.

The application is associated with a separate application on the site (D/2017/1620) for the construction of a commercial office tower building with four basement levels, a separate commercial building and public domain works. D/2017/1620 is currently under assessment and it is expected that it will be considered by the Central Sydney Planning Committee on or after of 9 August 2018. The proposed excavation and preliminary basement works align with the design of the basement proposed in D/2017/1620.

The application was notified and advertised in accordance with Council's notification policy. No public submissions were received.

- Summary Recommendation:** The development application is recommended for approval, subject to conditions.
- Development Controls:**
- (i) Sydney Local Environmental Plan 2012
 - (ii) Sydney Development Control Plan 2012
 - (iii) State Environmental Planning Policy No. 55- Remediation of Land
 - (iv) State Environmental Planning Policy (Infrastructure) 2007
 - (v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Attachments:**
- A - Recommended Conditions of Consent
 - B - Selected Drawings

Recommendation

It is resolved that:

- (A) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan are unreasonable or unnecessary in this instance; and
- (B) consent be granted to Development Application No. D/2017/1479, subject to the conditions set out in Attachment A to the subject report:

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development the subject of the application is consistent with the objectives of the B8 Metropolitan Centre Zone for the reasons set out within the report.
- (B) The proposal is consistent with the objectives and controls for the site and subject to conditions will not adversely impact upon the amenity of neighbouring properties.
- (C) The proposal will, subject to conditions, not impact upon the heritage item adjacent to the site.

Background

The Site and Surrounding Development

1. A site visit was carried out by Council staff on 7 February 2018.
2. The site is located within a city block commonly known as the APDG Block, being bound by Alfred Street to the north, Pitt Street to the east, Dalley Street to the south and George Street to the west.
3. The site is located at 174-176A, 178A, 178-186, 200A George Street and 33 - 35 Pitt Street. It has a combined frontage to George Street of 50.5m, a frontage to Pitt Street of 21.6m, a frontage to Underwood Street of 84.4m and a combined site area of 4,600sqm.
4. The site currently contains the Jacksons on George commercial building at 174-176A George Street; a commercial office building at 178 - 186 George Street, and a commercial office building at 33 - 35 Pitt Street. 200A George Street is a vacant piece of land commonly known as the 'Mirvac Triangle', owned by the City. 178A George Street known as 'Crane Lane' is a pedestrian lane owned by the City. Blue Anchor lane, a private lane, runs through 178 - 186 George Street alongside Jacksons on George and connects to Rugby Place, a private lane that is located on 1 Alfred Street to the north of the subject site. The existing site configuration is shown in Figure 1 below.
5. Surrounding development includes the development to the north at 1 Alfred Street that has commenced demolition works. To the southwest the site adjoins the 'EY Centre' commercial tower at 200 George Street. To the south across Underwood Street are two commercial office buildings that back towards Underwood Street. To the east across Pitt Street is the Marriott Hotel and businesses fronting Bulletin Place; and to the west across George Street is the Four Seasons Hotel.
6. The subject site has approval for demolition of existing structures at 178 - 186 George Street and 33 - 35 Pitt Street under D/2017/424. These works have commenced.
7. The heritage listed 'Tank Stream including tanks and tunnels' is located in the vicinity of the site along Pitt Street to the east of the site.
8. Plans and photos of the site and surrounds are provided below:

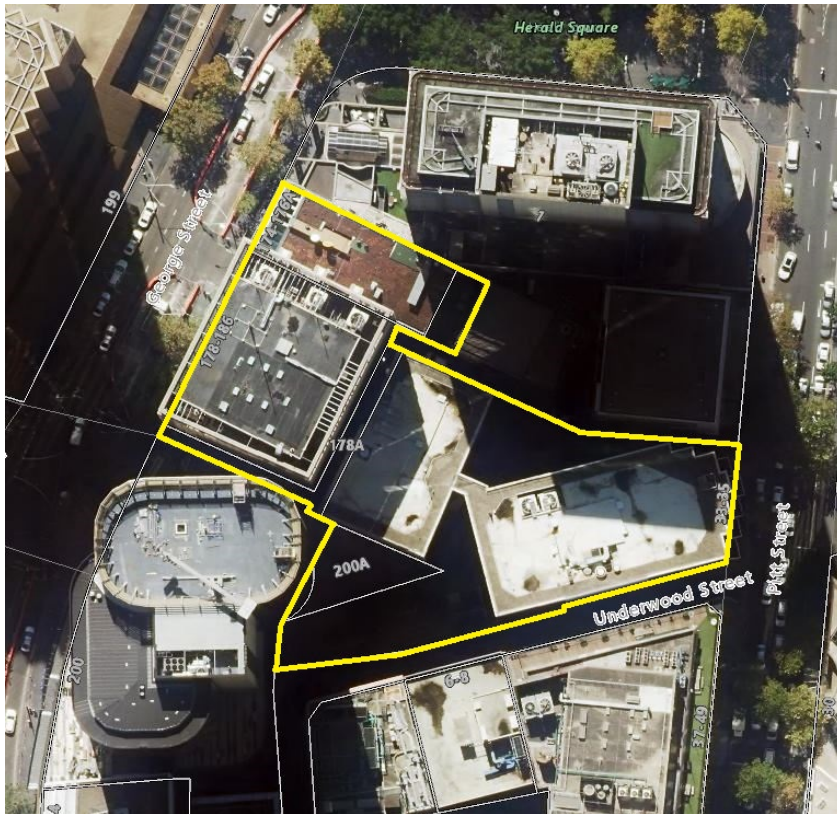


Figure 1: Aerial view of site outlined yellow.

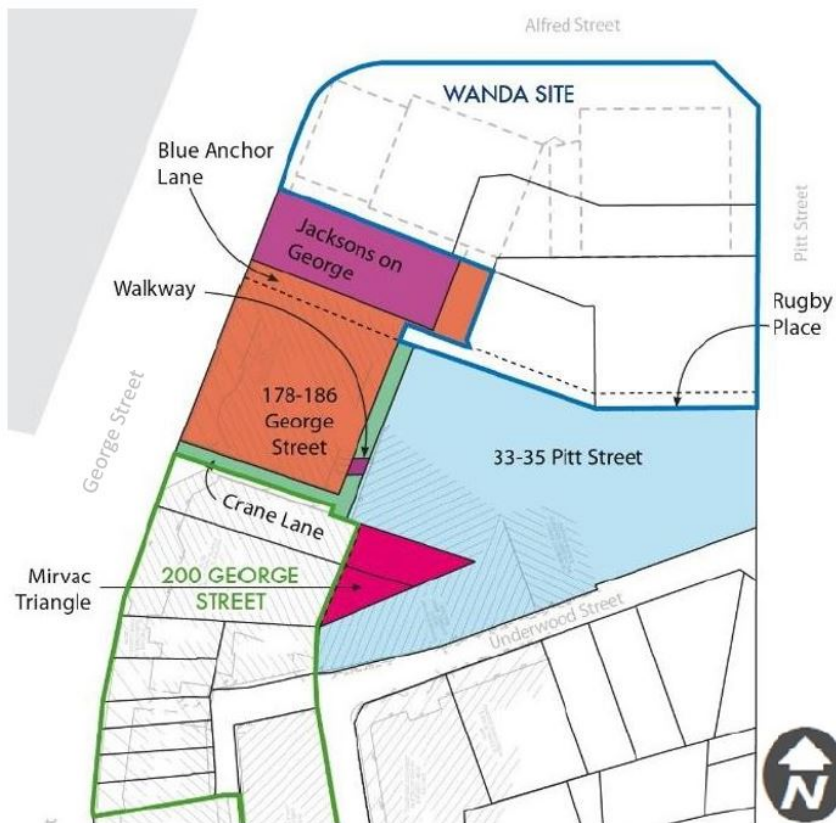


Figure 2: Site plan showing 'Mirvac Triangle' and 'Crane Lane' land owned by the City.



Figure 3: Site viewed from George Street looking east.



Figure 4: 'Mirvac Triangle' viewed from 200 George Street looking east.



Figure 5: Site viewed from Pitt Street at corner of Underwood Street.



Figure 6: Site viewed from Pitt Street looking west along existing Rugby Place.

Proposal

9. The application seeks consent for bulk excavation of the site, shoring works, construction of footings, lower basement slab and lift core slab and associated site works. These proposed works are associated with a separate application on the site (D/2017/1620) for the demolition of the Jacksons on George building, construction of a commercial office tower building with four basement levels, a separate commercial building and public domain works. That separate application is currently under assessment and is expected to be considered by the Central Sydney Planning Committee at its meeting of 9 August 2018.
10. The excavation proposed would cater for the four level basement design for the commercial tower building. The basement is also intended to service the adjoining future commercial building at 174-176A George Street (Jacksons on George site) and the future community building that would be located within the future George Street plaza. The basement design includes car parking, end of trip facilities, loading dock areas, waste storage, plant areas, service and utilities.
11. The proposed works have been separated from the main building application in order to streamline the delivery of the development in terms of construction timing.
12. Plans of the proposed future public domain layout and basement design as proposed in D/2017/1620 are shown below.

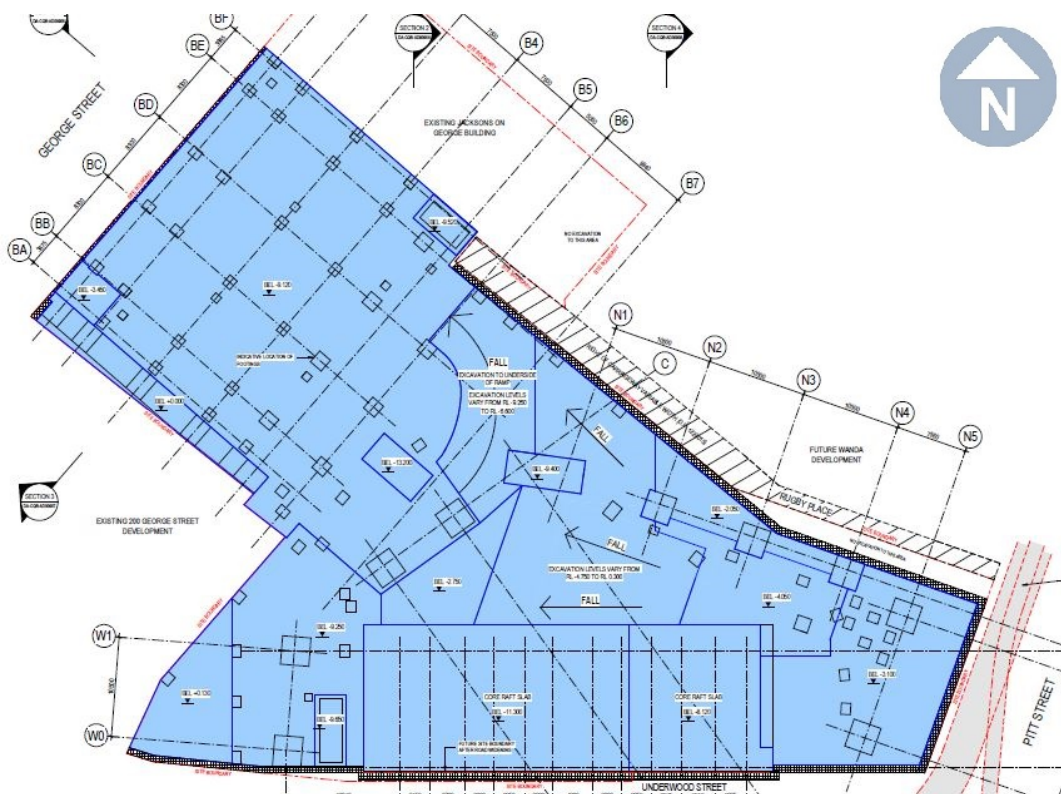


Figure 7: Plan of excavation and shoring, slab and footings.

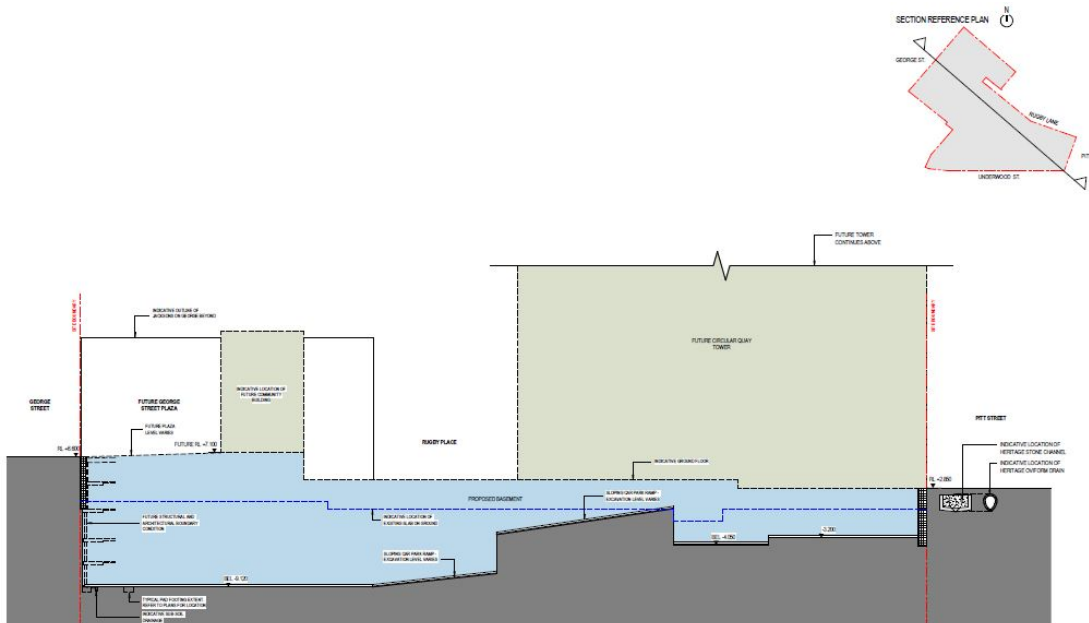


Figure 8: Long section excavation plan with indicative building locations above.

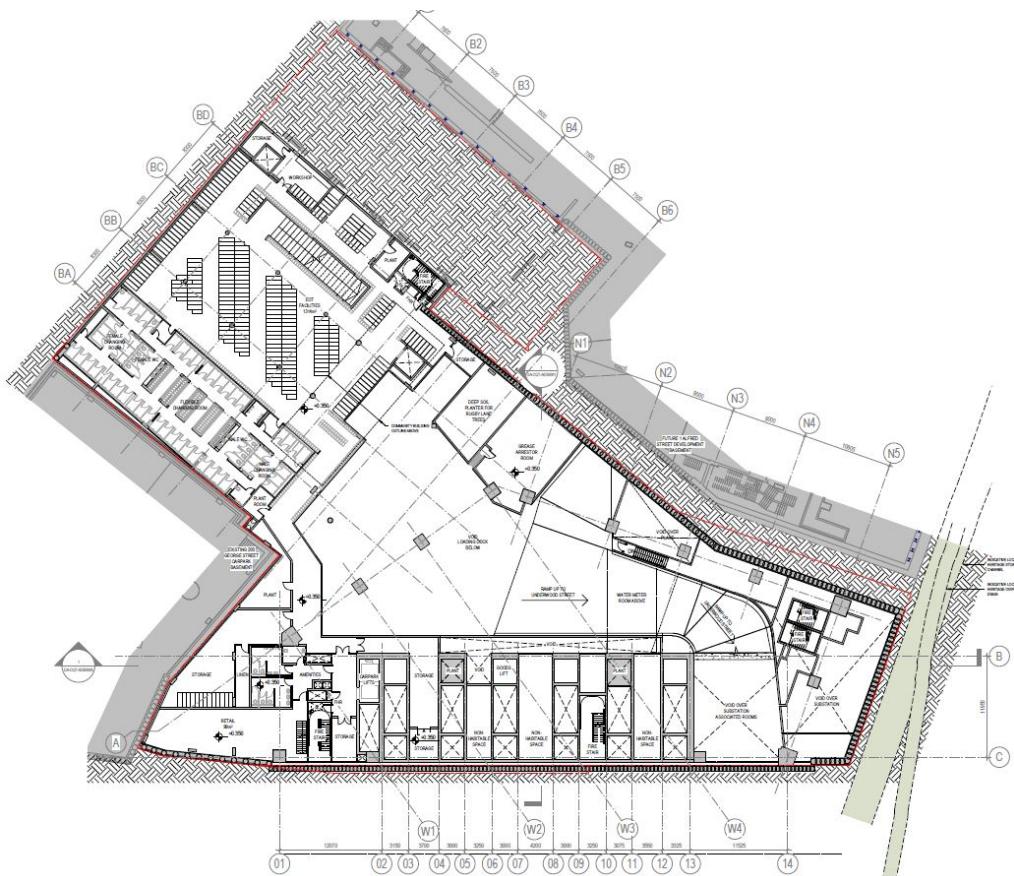


Figure 9: Basement Level 1 plan D/2017/1620.

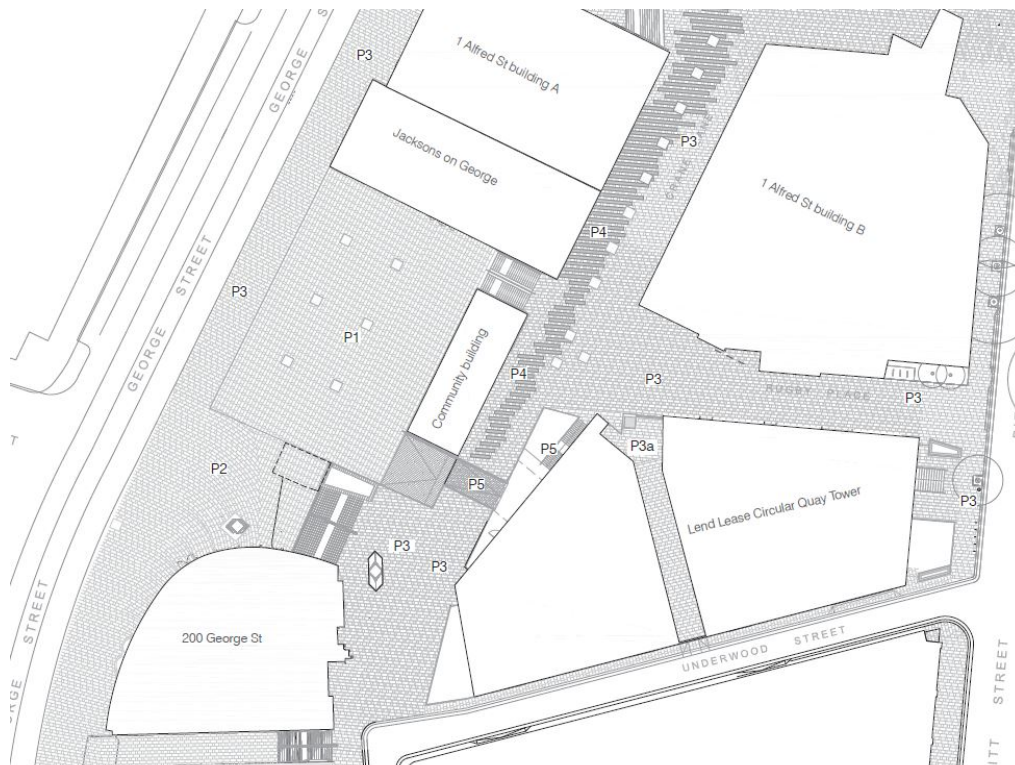


Figure 10: Paving plan D/2017/1620.

History Relevant to the Development Application

13. On 25 July 2016, a Planning Agreement was executed between the Applicant (as Developer) and the City. The agreement provides for the transfer of land from the City to the developer, the payment of a monetary contribution by the developer, the transfer of land in stratum to the City, and the completion of developer's works including:
 - (a) George Street Plaza;
 - (b) George Street Public Cycle Facility;
 - (c) Community Building;
 - (d) Lane Level Public Plaza;
 - (e) Laneways;
 - (f) Public Artwork; and
 - (g) Business Innovation Space Base Building Works.

14. On 28 July 2017, development consent was granted to D/2017/424 for 'Demolition of existing structures including basement levels on the site, decommissioning and demolition of substation and site establishment works' at 174-176A, 178-186 George Street and 33-35 Pitt Street, Sydney. It is noted that demolition of the entire Jacksons on George building at 174-176A George Street did not form part of that consent. Works associated with D/2017/424 has commenced.

15. Competitive design processes have been held for the subject site for the design of a new commercial office tower building, new commercial building on the Jacksons on George site, public cycle facility, public domain including two plazas and laneways, and a community building.
16. On 21 November 2017, development application D/2017/1620 was lodged seeking consent for demolition of the Jacksons on George building, construction of a new 55 level commercial tower and podium building with 4 basement levels, a new building on the Jacksons on George site for use as food and drink premises, a public cycle facility and public domain improvements including a new public plaza on George Street, new lanes and a new plaza at the lanes level. This development application is expected to be considered by the Central Sydney Planning Committee at its meeting of 9 August 2018.
17. An application for the construction of the community building is yet to be lodged.



Figure 11: Montage images of proposed tower and commercial buildings.

Water Management Act 2000

18. The application has been identified as Integrated Development requiring an approval under the Water Management Act 2000.
19. The proposal was referred to Water NSW who have determined that the proposal will encounter groundwater during the works and will require an approval for dewatering. General terms of approval issued by Water NSW are included in the recommended conditions in Attachment A.

Heritage Act 1977

20. On 14 May 2018, the applicant identified the application as Integrated Development requiring an approval under the Heritage Act 1977. The site is located adjacent to the state heritage listed 'Tank Stream including tanks and tunnels'.
21. The proposal was referred to the NSW Office of Environment and Heritage on 15 May 2018. General terms of approval issued by the Heritage Council of NSW are included in the recommended conditions in Attachment A.

Economic/Social/Environmental Impacts

22. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

23. The aim of State Environmental Planning Policy No. 55-Remediation of Land (SEPP 55) is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The consent authority is required to consider whether the land is contaminated, and if it is contaminated, be satisfied that the land would be suitable in its contaminated state (or would be suitable after remediation) for its intended purpose.
24. The submitted phase 1 contamination report has identified potential contamination risks to the site associated with fill materials, an underground storage tank, former bowser and fuel dispensing area and grease trap and chemical storage within the site. A remediation action plan (RAP) submitted with the application outlines proposed remediation works to be undertaken and identifies that subject to these remediation works, the site would be suitable for its intended purpose.
25. The City's Health Unit has reviewed the application and is satisfied that subject to implementation of remediation works and subsequent site validation, the site can be made suitable for the proposed use. These measures have been included as part of the recommended conditions.

State Environmental Planning Policy (Infrastructure) 2007

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

27. The application is subject to Clauses 86 and 88 of the SEPP as the site adjoins the light rail along George Street and the interim CBD rail link corridor cuts through the eastern portion of the site.
28. The application was referred to Transport for NSW for concurrence. Concurrence to the proposal was given subject to conditions which are included in the recommended conditions of consent in Attachment A.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

29. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
30. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
- (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
31. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

Sydney Local Environmental Plan 2012

32. The site is located within the B8 Metropolitan Centre Zone. The proposed development is in connection with the proposed commercial uses above and is permissible.
33. The relevant matters to be considered under Sydney Local Environmental Plan (SLEP) 2012 for the proposed development are outlined below.

Development Control	Compliance	Comment
5.9 Preservation of trees or vegetation	Yes	No trees are proposed to be removed as part of this DA. Tree removal has been approved in D/2017/424 and as part of light rail works.
5.10 Heritage conservation	Yes	Site located within proximity to the Tank Stream. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 6.21 Design excellence	Yes	The proposal is associated with a development that has been subject to a design competition.
6.25 APDG block	Yes	Site specific controls apply to the APDG block. These controls allow for additional building height if the publicly accessible open space, lanes and other links are provided. The proposal, in combination with the main building DA, will assist in achieving the requirements under the clause.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	<p>The excavation is associated with the construction of a basement for the tower development above.</p> <p>The proposed design of the basement, which is not part of this DA, includes car parking, end of trip facilities, storage, service areas plant rooms, and loading dock areas.</p> <p>The proposed design of the basement provides a maximum of 85 car parking spaces.</p> <p>A maximum of 92 car parking spaces are permitted for the proposal based on the proposed floor area.</p>
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 2 & 5 Acid Sulphate Soils (ASS). A condition has been recommended to address acid sulphate soils on site, with the requirement for an ASS management plan.
7.19 Demolition must not result in long term adverse visual impact	Yes	See discussion under the heading Issues.

Part 7 Local Provisions - General	Compliance	Comment
7.20 Development requiring or authorising preparation of a development control plan	Yes	See discussion under the heading Issues.

Sydney Development Control Plan 2012

34. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	The proposal involves excavation within the vicinity of the heritage Tank Stream. See discussion under heading Issues.
3.14 Waste	Yes	The submitted Environmental Management Plan includes details of waste management during excavation. A more detailed plan is to be provided as part of the recommended conditions of consent.

5. Specific Areas	Compliance	Comment
5.1 Central Sydney 5.1.7 Temporary use and appearance of vacant sites and buildings	Yes	Works are intended to commence after demolition is completed under D/2017/424. This application is lodged separate to the main commercial tower application to assist in reducing any potential time delays between approvals.

6. Specific Sites	Compliance	Comment
6.1.4 The APDG site	Yes	The proposal, in combination with the main building DA, aligns with the site specific controls.

Issues

Transport and parking

35. The design of the basement forms part of the assessment of the main DA (D/2017/1620). The proposed design accommodates car parking, end of trip facilities, loading dock areas, waste storage, plant areas, service and utilities. The proposed number of car parking spaces is in accordance with the allowable maximum permitted under SLEP 2012. Subject to resolution of loading dock management and the arrangement and provision of bicycle parking and end of trip facilities, the basement design is considered to provide sufficient space to service the proposed above ground development.
36. The subject site is located in proximity to other construction sites. Transport for NSW (TFNSW) has identified that there may be issues associated with the impacts of additional construction vehicles along the proposed construction routes and details within the construction pedestrian and traffic management plan (CPTMP). TFNSW has recommended that an updated CPTMP be prepared in consultation with the Sydney Coordination Office and Sydney Light Rail team and approved by the Coordinator General, Transport Coordination, prior to works commencing. This requirement has been included as part of the recommended conditions in Attachment A.

Heritage

37. The heritage listed 'Tank Stream including tanks and tunnels' (Tank Stream) is located in the vicinity of the site along and underneath Pitt Street. The Tanks Stream is listed as an item of State significance. Whilst being located outside the subject site, the proposed works have the potential to impact upon the structural integrity of the Tank Stream.
38. A conservation report has been prepared that assesses the potential impacts of excavation on the Tank Stream and establishes a set of engineering criteria to ensure its protection through an accompanying excavation management plan.
39. Council's Heritage Specialist has reviewed the proposal and has advised that updated geotechnical investigations are required to be undertaken (and informing updates to the construction management plan) to ensure that the proposal does not impact upon the integrity of the Tank Stream.
40. As discussed above, the proposal was referred to the Office of Environment and Heritage as integrated development and general terms of approval have been issued by the Heritage Council of NSW. The terms of approval cover matters that have been recommended by Council's Heritage Specialist.

Long Term Visual Impact

41. Clause 7.19 of SLEP 2012 requires the consent authority to be satisfied that the demolition of a building will not result in long term visual impacts to a streetscape and area. While the application does not include demolition works, the issue of long term visual impact is still a relevant issue to be considered.

42. Demolition of the majority of the existing buildings have been separately approved under D/2017/424. An application is currently under consideration for the demolition of the Jacksons on George building, and construction of a commercial office tower building with four basement levels, a separate commercial building and public domain works on the subject site. That application will be considered separately by the Central Sydney Planning Committee. The applications are being considered concurrently to reduce the timeframes of construction and the associated visual impacts of construction activities.
43. The subject site has also been the subject of three competitive design processes for development of the site (tower, commercial building and community building).
44. The issue of hoardings was addressed as part of application D/2017/424 for the demolition of buildings on the site. Measures were included to ensure the hoardings were of an appropriate appearance and with a reduced opportunity for graffiti attack and bill poster attachment, and the requirement of a site rectification deed which also forms part of the recommended conditions.
45. It is therefore considered that the appropriate measures have been included to minimise impacts of visual impact that may result from the proposed works.

Site Specific Development Control Plan

46. Clause 7.20 of SLEP 2012 requires the preparation of a development control plan (DCP) for particular specified development. The clause applies to development for the purposes of a new building on land in Central Sydney where the site area is greater than 1,500 square metres or if the development results in a building with a height greater than 55 metres.
47. 'Building' is defined in the Environmental Planning and Assessment Act to include "part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993".
48. The subject application includes shoring works, construction of footings, lower basement slab and lift core slab and associated works, and is thus for the purpose of a building.
49. The site area for the development is 4,600 square metres and is for the purposes of a new building, being the basement for the building and so a site specific DCP would ordinarily be required for the development.
50. Clause 7.20(3) provides that a DCP is not required if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances. It is considered that in the circumstances, a DCP is not required in this instance. The subject site has been the subject of a planning proposal that has amended both the SLEP 2012 and SDCP 2012 with site specific provisions for the APDG block. Further, design competitions have been run for the site and the subject application has been prepared as part of the development of the winning scheme. The subject application has been assessed in coordination with the assessment of the main buildings DA and the items specified in Clause 7.20(4) have been considered in terms of the redevelopment of the site. It is therefore considered unnecessary in the circumstances to require the preparation of a DCP for this development.

Acoustic Impacts

51. The noise associated with construction excavation works has the potential to impact upon receivers in the vicinity, including both commercial and hotel uses. A construction noise and vibration management plan has been submitted with the application, which notes that the duration of the proposed works is estimated to be nine months and includes exceedances of relevant noise criteria. Measures have been proposed to mitigate against potential noise impacts in discussion with Council's Health Officers and include the following:
- (a) alternative work methodologies to reduce noise output;
 - (b) respite periods that are coordinated with nearby sites;
 - (c) community consultation; and
 - (d) hoardings and noise wall approved as part of the demolition application.
52. Council's Health Officer has recommended conditions to formalise these measures within the consent and specify the approved construction work hours to minimise the impacts of construction noise.

Other Impacts of the Development

53. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

54. The proposal is associated with a commercial development of a nature in keeping with the overall function of the site that is located with the Sydney Commercial Business District.

Internal Referrals

55. Where relevant, the conditions of other sections of Council have been included in the proposed conditions.
56. The application was discussed with the Heritage and Urban Design Specialists; Environmental Health; Public Domain; Transport and Access; Waste Management; who advised that the proposal is acceptable subject to conditions.

External Referrals

57. The proposal was referred to relevant authorities, including Water NSW, Office of Environment and Heritage, Sydney Water, Ausgrid, Sydney Trains, and Transport for NSW. Where relevant, their comments have been included in the recommended conditions of consent.

Notification and Advertising

58. The application constitutes integrated development and, as such, the application was notified and advertised for 30 days between 24 November 2017 and 24 December 2017 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this notification, no submissions were received.

Public Interest

59. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

Section 61 Contribution

60. The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2013. An appropriate condition has been included in the recommendation of this report.

Relevant Legislation

61. The Environmental Planning and Assessment Act 1979,
62. The Water Management Act 2000.
63. The Heritage Act 1977.

Conclusion

64. The application for bulk excavation of the site, shoring works, construction of footings, lower basement slab and lift core slab and associated site works has been assessed against the relevant planning controls. The potential impacts of the development have been addressed and, subject to appropriate mitigation measures, the impacts of the development are acceptable in the circumstances. The proposed works are associated with a commercial tower development that is currently under assessment and will be considered by the Central Sydney Planning Committee at a future meeting. The proposed excavation works are consistent with the basement design proposed in that separate application.
65. It is therefore recommended that this application be approved, subject to the conditions contained in Attachment A.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Shannon Rickersey, Senior Planner