

**Item 5.****Development Application: 194 & 196-204 Pitt Street, Sydney – D/2018/1246****File No.:** D/2018/1246**Summary**

<b>Date of Submission:</b>	17 October 2018, amended 17 June 2019
<b>Applicant:</b>	Chairman of City Tattersall's Club
<b>Architect/Designer:</b>	Francis-Jones Morehen Thorp Pty Ltd
<b>Developer:</b>	Innovative Construction & Development Pty Ltd
<b>Owner:</b>	Chairman of City Tattersall's Club
<b>Cost of Works:</b>	\$271,763,760
<b>Zoning:</b>	Zone B8 Metropolitan Centre
<b>Proposal Summary:</b>	<p>Approval is sought for a concept building envelope up to a height of approximately 168 metres (50 storeys) for a future mixed use building including:</p> <ul style="list-style-type: none"><li>• in-principle demolition of 196 Pitt Street;</li><li>• partial demolition, conservation of significant fabric and adaptive re-use of the heritage items at 194, 198-200 and 202-204 Pitt Street; and</li><li>• excavation for five basement levels for bicycle parking, loading, storage and building services, accessed from Pitt Street.</li></ul>

The indicative mix of uses proposed on the site include retail premises, the City Tattersall's Club (a registered club) and hotel accommodation in existing heritage buildings and a podium envelope, with the proposed tower form above accommodating residential apartments. The indicative concept design scheme submitted with the application shows that 245 apartments could be accommodated in the tower.

The application is referred to the Central Sydney Planning Committee for determination as the proposal is “major development” for the purposes of the City of Sydney Act, 1988.

The proposed height complies with the Hyde Park West sun access plane controls applicable under Clause 6.17 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

A maximum Floor Space Ratio (FSR) of 13.4:1 is permitted under Clauses 4.4 and 6.4 of the Sydney LEP 2012, based upon the proportions of the proposed mix of indicative uses, with a further bonus of up to 10% available for any subsequent detailed building design, resulting from a design competition process demonstrating design excellence. The application is accompanied by an indicative concept design scheme demonstrating an envelope accommodating the maximum permitted Gross Floor Area (GFA), including the additional design excellence bonus.

A competitive design process is proposed prior to the lodgement of a detailed design development application. This will seek up to an additional 10% floor space accommodated in the building envelopes, under Clause 6.21(7) of the Sydney LEP 2012.

The development site contains three heritage items. The exterior of the buildings and many of the internal features are of high significance. While the proposal will result in extensive works on the site, the heritage impacts are generally acceptable, subject to conditions.

The proposal was amended on 17 June 2019 to address concerns raised by the City's Design Advisory Panel and Council staff. These concerns related to heritage conservation, transport, traffic and servicing, compliance with the State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), the design excellence strategy, Ecologically Sustainable Development (ESD) targets, flooding and landscape concept design.

The original proposal was notified and advertised for a period of 28 days between 31 October 2018 and 29 November 2018 and the amended application was notified and advertised for a period of 28 days between 24 June 2019 and 23 July 2019. As a result of the notification of the original and amended proposals, there were a total of three submissions received, with two in support of the proposal and one which raised issues relating to building separation and setbacks, views, future connections to adjoining sites and impacts relating to traffic, parking, site servicing and pedestrian movements along Pitt Street.

As a result of the design modifications made to the concept design and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the conditions of the site and locality. It is generally compliant with the relevant planning controls, and results in a form and scale that achieves the desired future character of the area.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2000
- (iii) City of Sydney Act 1988
- (iv) Roads Act 1993
- (v) Airports Act 1996
- (vi) Airports (Protection of Airspace) Regulations 1996
- (vii) State Environmental Planning Policy No.55—Remediation of Land (SEPP 55) and the Managing Land Contamination Planning Guidelines (SEPP 55 Guidelines)
- (viii) State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)
- (ix) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- (x) State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- (xi) Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005

- (xii) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (xiii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (xiv) Sydney Landscape Code Volume 2: All Development Except for Single Dwellings
- (xv) City of Sydney Interim Floodplain Management Policy
- (xvi) City of Sydney Guidelines for Waste Management in New Developments (Waste Guidelines)
- (xvii) City of Sydney Public Art Policy
- (xviii) City of Sydney Competitive Design Policy
- (xix) Central Sydney Development Contributions Plan 2013

**Attachments:**

- A. Recommended Conditions of Consent
- B. Building Envelope Drawings
- C. Indicative Demolition Drawings
- D. Indicative Concept Drawings
- E. Design Excellence Strategy

## Recommendation

It is resolved that:

- (A) consent be granted to Development Application No. D/2018/1246 subject to the conditions set out in Attachment A to the subject report; and
- (B) the 'Concept Development Application Design Excellence Strategy' for 194-204 Pitt Street, Sydney, prepared by Ethos Urban Pty Ltd and dated September 2019, as shown in Attachment E to the subject report, be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the B8 Metropolitan Centre zone.
- (D) The indicative concept design scheme accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (E) The proposed development will conserve the significance of the heritage items contained on the site in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012, including the removal of intrusive fabric, restoration and conservation of significant fabric and the continuation of the historic City Tattersall's Club use of the site.
- (F) The proposed building envelope complies with the Hyde Park West sun access plane in Clause 6.17 of the Sydney Local Environmental Plan 2012.
- (G) Subject to compliance with the design excellence strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (H) The indicative concept design scheme accompanying the application demonstrates that the proposed development is generally consistent with the provisions of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).

- (I) The proposed development has a height and form suitable for the site and its context, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and broader locality.
- (J) Subject to the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can achieve acceptable amenity for future residents for solar access, natural ventilation, private open space and privacy.
- (K) The proposed building envelope can accommodate the proposed uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Sydney Central Business District, subject to conditions on the subsequent detailed design development application.
- (L) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to heritage conservation, setbacks, views, privacy, transport, servicing and parking.

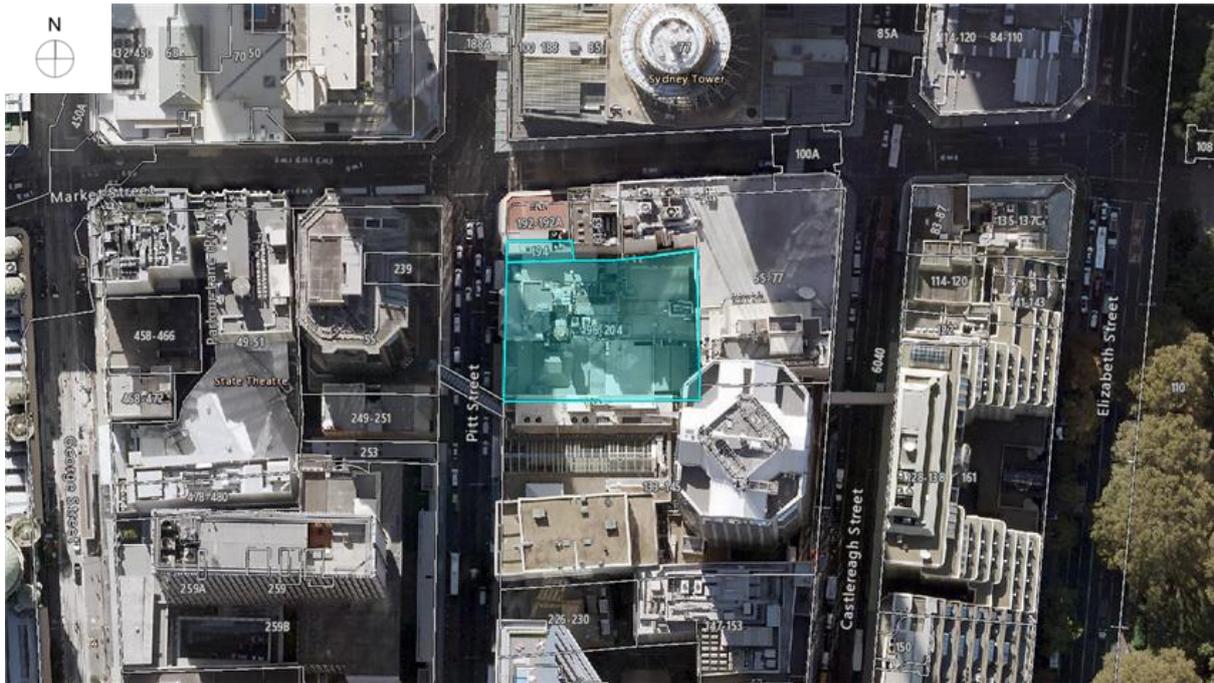
## Background

### The Site

1. The subject site contains two allotments, identified as Lot 1 in DP 945729 and Lot 1 in DP 600465, and are commonly known as 194 Pitt Street and 196-204 Pitt Street, Sydney.
2. The site is located in the Sydney Central Business District and the broader City of Sydney Local Government Area, directly to the south of Pitt Street Mall, to the east of the Queen Victoria Building and to the west of Hyde Park North.
3. The site is on the eastern side of Pitt Street, between Market Street to the north and Park Street to the south. It is irregular in shape and has an area of 2,336.5 square metres. It has a combined western street frontage width of 49.69 metres to Pitt Street and adjoins four private properties on its other boundaries to the north, east and south.
4. The site is identified on the plan in Figure 1 and aerial photographs in Figure 2 and 3 below, showing the location of the site and its context.



**Figure 1:** Plan image of subject site in blue and surrounding area (subterranean Sydney Metro corridors and QVB - Sydney Central Plaza link shown hatched).



**Figure 2:** Aerial photograph of the subject site in blue and surrounding area.



**Figure 3:** Oblique photograph of the subject site in blue and surrounding area.

5. The site contains four buildings, ranging in height from 3 to 7 storeys. The buildings currently accommodate the City Tattersall's Club.

6. All buildings on the site currently have no off-street car parking, loading facilities or vehicular access.
7. 194 Pitt Street is occupied by a 7 storey commercial building with a single basement level, listed as a heritage item (Item I1927 – former Symonds’ building including interior, local significance) under Schedule 5 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). While the ground and basement floors are used in conjunction with the City Tattersall’s Club, the upper floors are largely vacant or used for storage by the Club.
8. 196-204 Pitt Street contains three interconnected buildings, including:
  - (a) A 5 storey building with two basement levels at 196 Pitt Street, which has no heritage listing;
  - (b) A 5 storey building with a single basement level at 198-200 Pitt Street, listed as a heritage item (Item I1928 – City Tattersall’s Club including interior, local significance) under Schedule 5 of the Sydney LEP 2012; and
  - (c) A 3-storey building with a partial basement at 202-204, listed as a heritage item (Item I1929 – City Tattersall’s Club including interior) under Schedule 5 of the Sydney LEP 2012.
9. These three buildings are utilised by the City Tattersall’s Club and comprise the following levels:
  - (a) Lower basement: Men’s fitness centre;
  - (b) Basement: Men’s fitness centre pool, spa, change rooms, lockers and showers, cellar and keg room, cool room, store room, laundry, garbage store and plant;
  - (c) Ground: Lobby, gaming lounges and lower lounge bar;
  - (d) Ground mezzanine: Snooker room, TAB lounge and Keno lounge;
  - (e) First: Celebrity lounge, kitchens, restaurants and bars;
  - (f) First mezzanine: Lounge bar and dance studio;
  - (g) Second: Administration offices, studio, cafe and function rooms;
  - (h) Third: Women’s fitness centre;
  - (i) Fourth: Women’s fitness centre pool, spa, sauna, cardio equipment, hair salon and beauty treatment rooms; and
  - (j) Fifth: Staff facilities, maintenance workshop, plant.
10. Figures 4 to 8 show the existing development on the site.



Figure 4: Front elevation of 194 Pitt St.



Figure 5: Front elevation of 196 Pitt St.



Figure 6: Front elevation of 198-200 Pitt St.



Figure 7: Front elevation of 202-204 Pitt St.



**Figure 8:** The existing buildings on the site at 194, 196, 198-200 and 202-204 Pitt St, from left to right, outlined in red.

### The Locality

11. The surrounding area is characterised by a mixture of office, retail, food and drink premises, hotel accommodation and residential accommodation uses, serviced by busy city streets.
12. To the north of the site is a 7 storey commercial building at 192-192A Pitt Street, listed as a heritage item (Item I1926 – former Fay’s Chambers, exterior only, local significance) under Schedule 5 of the Sydney LEP 2012, and a 13 storey commercial building at 61-63 Market Street.
13. Further to the north, on the opposite side of Market Street, is the Westfield Sydney retail and commercial complex and Sydney Tower at 188 Pitt Street, which includes a 7 storey podium, three commercial towers and two listed heritage items (Item I1695 – Commercial building facade and Item I1696 – Former Bank of NSW facade, both with local significance) under Schedule 5 of the Sydney LEP 2012.
14. To the north-west, on the northern side of Market Street, is the Pitt Street Mall and a number of buildings at 432-450 George Street, which include the Sydney Central Plaza retail and commercial complex, the Myer department store, the Swissotel Hotel, a residential flat building and five listed heritage items (Item I1784 – Former Crystal Hotel facade, Items I1785 and I1786 – Former Farmer & Co department store facades, Item I787 – Former Way Building facade and awning and Item I1788 – Former Central Pitt building facade, all with local significance) under Schedule 5 of the Sydney LEP 2012.
15. Adjoining the site to the east, and partially to the north, is the David Jones Market Street store at 65-77 Market Street. This building is listed as a heritage item (Item I1888, local significance) under Schedule 5 of the Sydney LEP 2012.

16. To the south, at 133-145 Castlereagh Street, is a commercial building known as the Piccadilly Centre, which consists of a 3 storey retail podium with both a 13 storey commercial office tower and a 31 storey commercial office tower above.
17. To the west of the site, on the opposite side of Pitt Street, is a 20 storey commercial office building at 55 Market Street. A pedestrian footbridge over Pitt Street connects the podium of 55 Market Street with the Piccadilly Centre development.
18. Also located to the west of the site, on the opposite side of Pitt Street, is an 8 storey commercial building at 249-251 Pitt Street, known as the Simpson's House. This building is listed as a heritage item (Item I1932, local significance) under Schedule 5 of the Sydney LEP 2012.
19. To the south-west of the site, on the western side of Pitt Street is a 3 storey commercial building at 253 Pitt Street and the Hilton Hotel at 259 Pitt Street, which includes a 5 storey podium, 44 storey tower and a listed heritage item (Item I1934 – The Marble Bar interior, local significance) under Schedule 5 of the Sydney LEP 2012.
20. Figures 9 to 18 show the existing development in the vicinity of the site.



**Figures 9 and 10:** Former Fay's Chambers at 192-192A Pitt St, the existing building at 61-63 Pitt St and the David Jones Market St store at 65-77 Market St.



**Figures 11 and 12:** Westfield Sydney at 188 Pitt St and the Sydney Central Plaza, Myer department store, Swissotel and residential flat building at 432-450 George St.



**Figure 13:** Pitt St Mall.



Figure 14: Existing building at 55 Market St.



Figure 15: Simpson's House at 249-251 Pitt St.

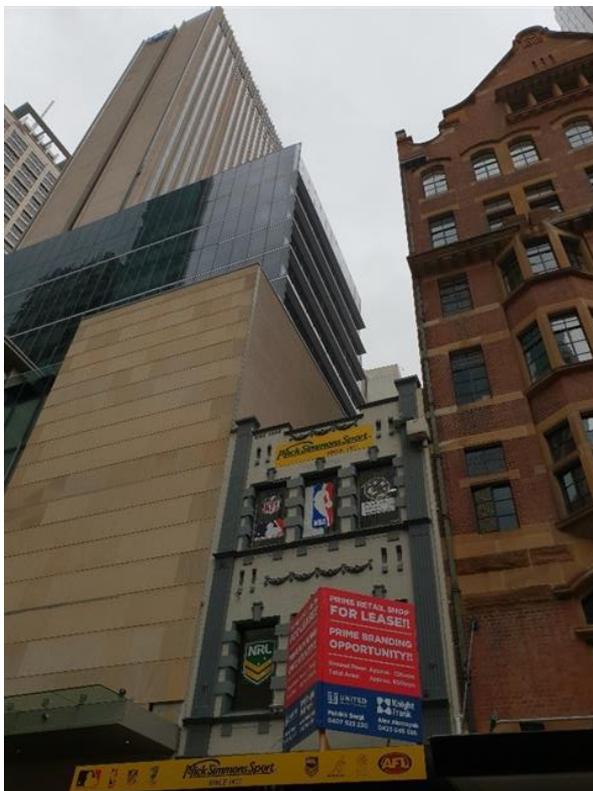


Figure 16: Existing building at 253 Pitt St.

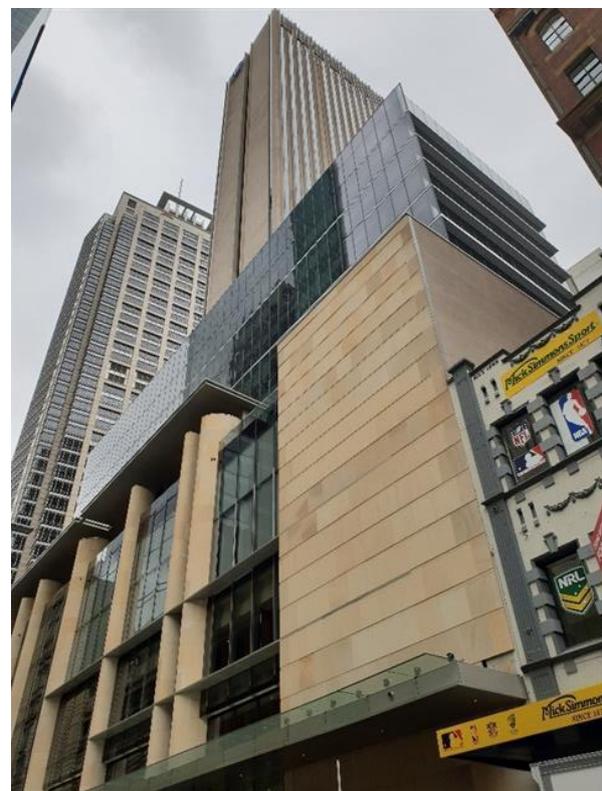


Figure 17: Hilton Hotel at 259 Pitt St.



**Figure 18:** The Piccadilly Centre at 133-145 Castlereagh St.

## Proposal

21. The subject development application, as amended on 17 June 2019, seeks concept development consent pursuant to Section 4.22 of the Environmental Planning and Assessment Act, 1979 for the redevelopment of the City Tattersall's Club at 194-204 Pitt Street, Sydney.
22. Specifically, the application seeks conceptual, in-principle approval for the following:
  - (a) Retention of the heritage facade and adaptive reuse of the internal parts of the building at 194 Pitt Street;
  - (b) Demolition of existing building at 196 Pitt Street and construction of a new facade and podium to match the street frontage height of the immediately adjoining buildings at 194 and 198-200 Pitt Street;
  - (c) Adaptive reuse and conservation of significant heritage fabric of the building at 198-200 Pitt Street, including retention of the lower bar;
  - (d) Adaptive reuse and conservation of substantial heritage fabric of the building at 202-204 Pitt Street including the western lantern of that building;
  - (e) Basement excavation to provide five basement levels providing bicycle parking, loading, storage and building services, with no car parking spaces; and

- (f) A building envelope for a mixed-use building with:
    - (i) A tower with a maximum height of RL 187.376 (AHD), approximately 168 metres from ground level, with a southern cantilever over the podium and heritage buildings below;
    - (ii) A podium height of RL 68.860 (AHD);
    - (iii) A basement with the lowest floor level being RL 0.900 (AHD);
    - (iv) Vehicular access from Pitt Street; and
    - (v) Capacity for 34,455.4 square metres of Gross Floor Area (GFA), including:
      - (i) 21,767 square metres of residential GFA;
      - (ii) 8,904 square metres of hotel GFA;
      - (iii) 497 square metres of retail GFA; and
      - (iv) 3,287 square metres of club GFA.
23. The application is accompanied by indicative concept design scheme drawings and documentation. This shows a building in the proposed building envelope which, as amended, provides for the following indicative uses:
- (a) Basement levels 1 to 5 inclusive: bicycle parking, plant, storage and services;
  - (b) Ground: club, retail premises, hotel and residential lobbies;
  - (c) Level 1: club;
  - (d) Levels 2 to 13: club and hotel accommodation (113 rooms);
  - (e) Levels 14 to 46: residential (245 apartments); and
  - (f) Levels 47 to 49: plant.
24. No physical demolition or other development works are proposed as part of the amended concept plan.
25. Selected axonometric, elevation, section and plan drawings of the proposed development are provided in Figures 19 to 30 below.
26. These are included with the revised concept drawings, indicative demolition drawings and indicative concept design scheme drawings at Attachments B, C and D to this assessment report.

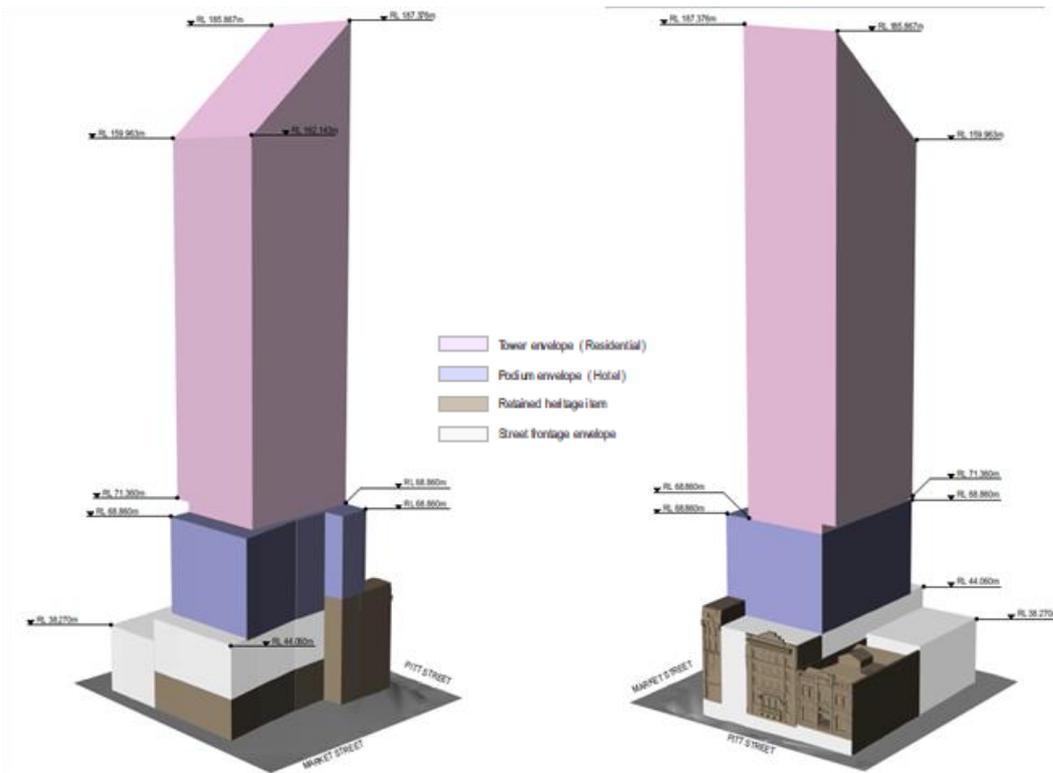


Figure 19: Envelope axonometric views, looking south-west (left) and north-east (right).

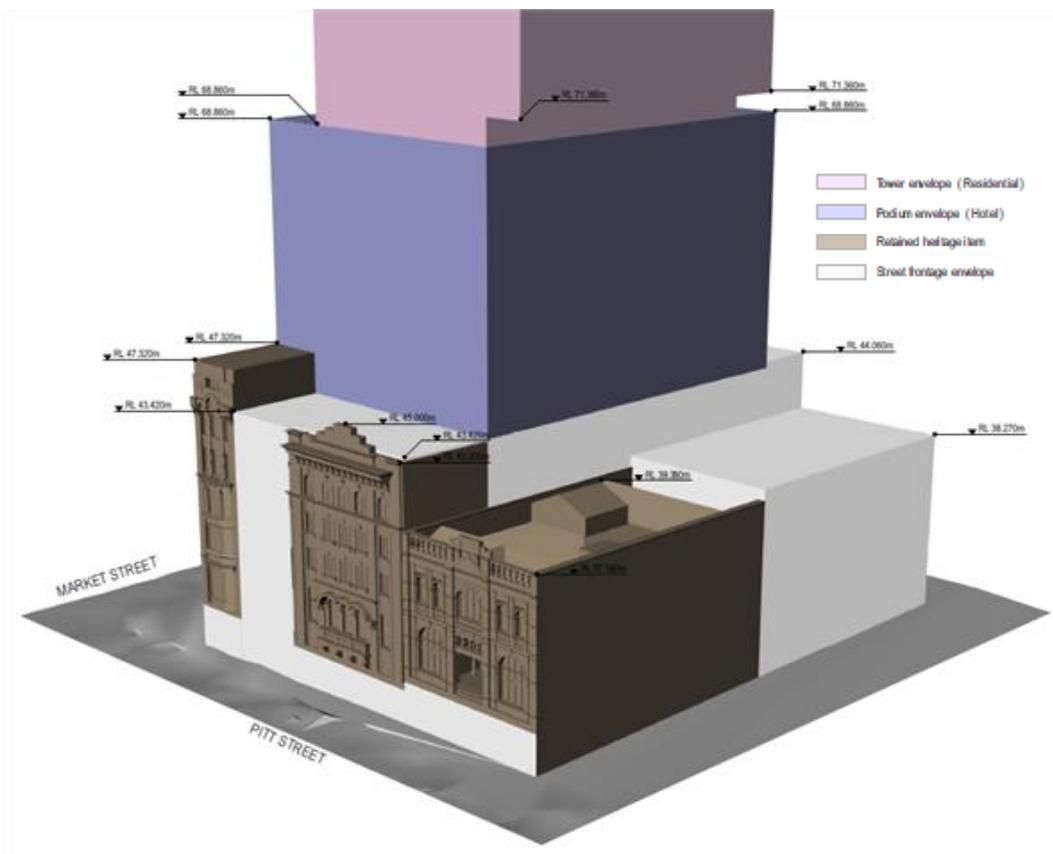


Figure 20: Envelope axonometric podium view, looking north-east.

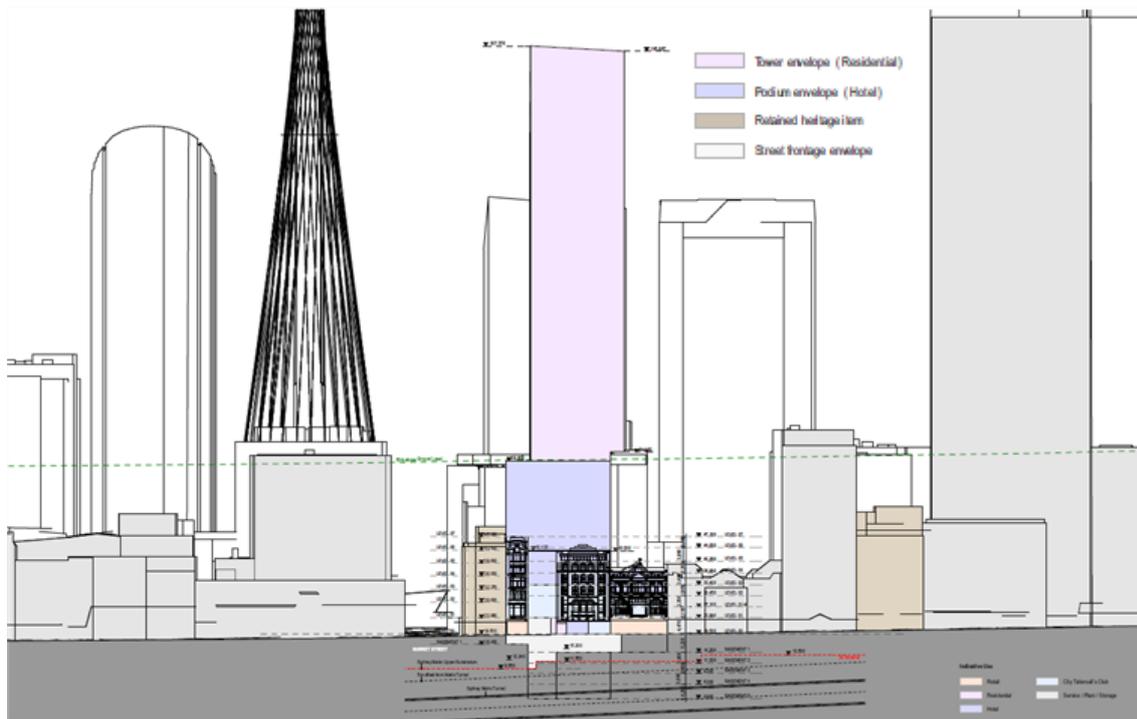


Figure 21: Envelope elevation to Pitt St.

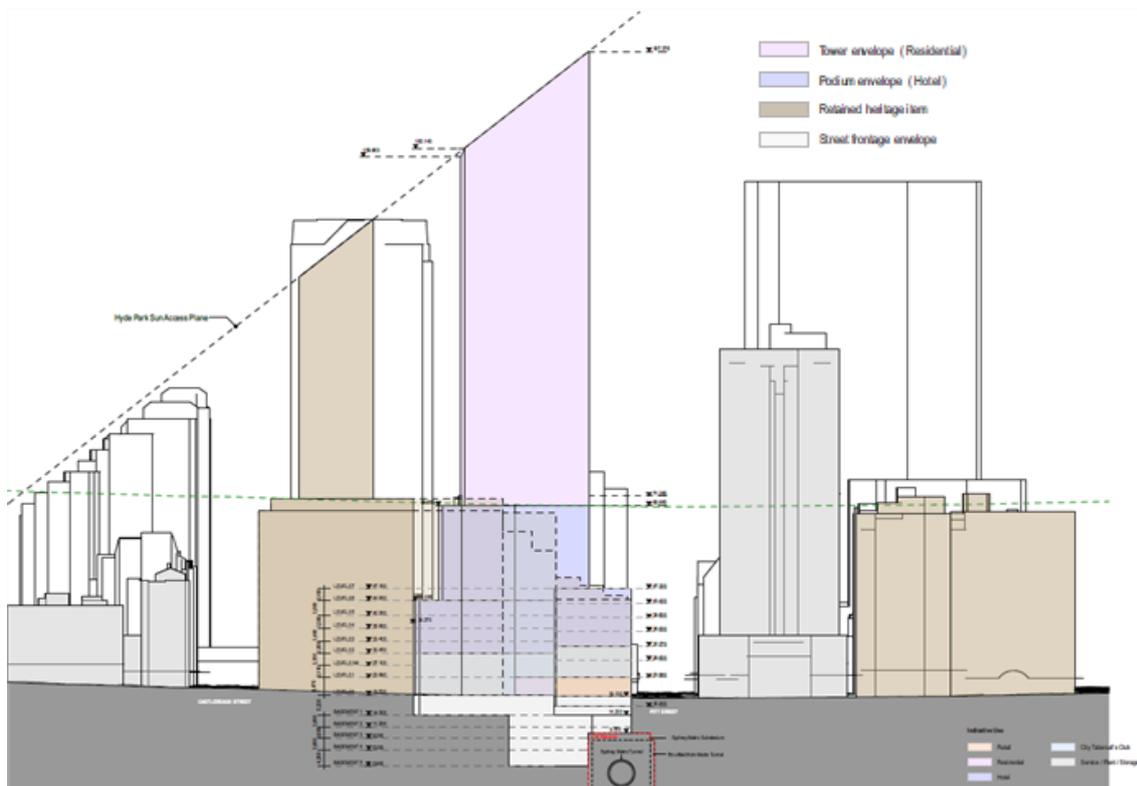


Figure 22: Envelope elevation to Market St showing sun access plane compliance.

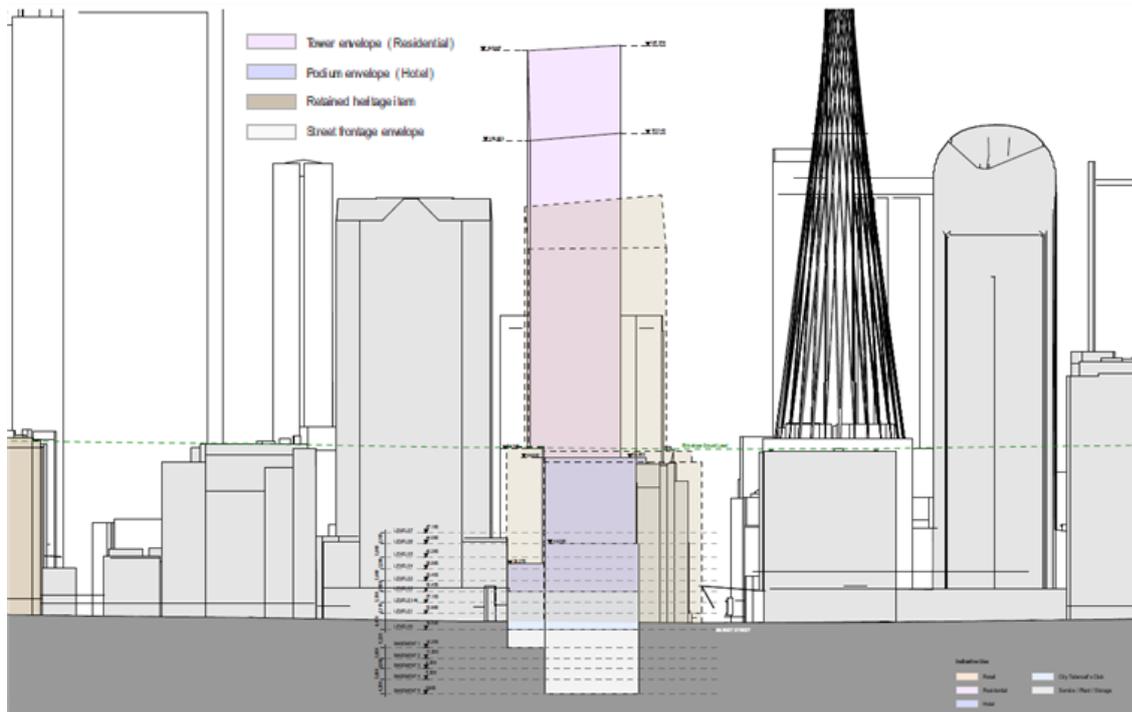


Figure 23: Envelope elevation to Castlereagh St.

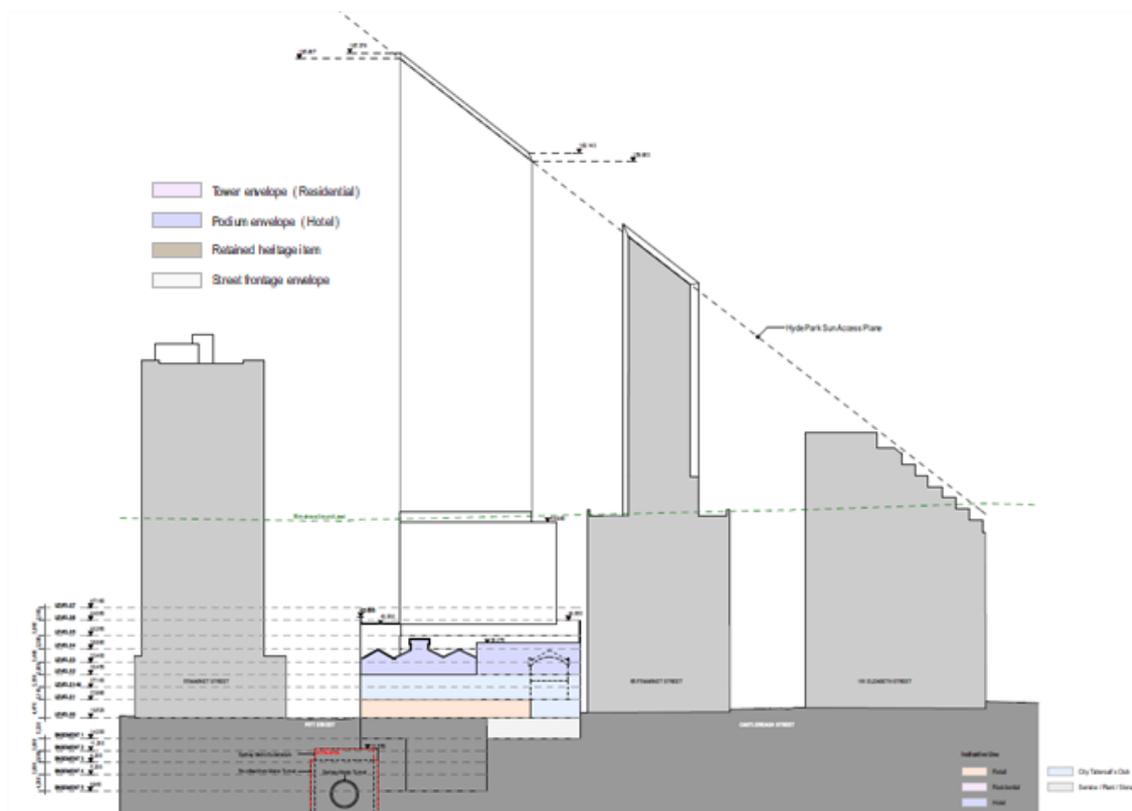


Figure 24: Envelope section west-east through lantern showing sun access plane compliance.



Figure 25: Envelope plan of ground floor level.



Figure 26: Envelope plan of level 1.



Figure 27: Envelope plan of level 2.



Figure 28: Typical envelope plan of level 3 to 7.



## History Relevant to the Development Application

### History of the site

#### 194 Pitt Street

27. The Former Symonds Building at 194 Pitt Street was built in 1914, in the Federation Free Classical style of masonry construction. It is 7 storeys in height, with a single basement level. The statement of significance for the Former Symonds Building, as detailed in the Conservation Management Plan for the site, is reproduced below.

*The former Symonds building at 194 Pitt Street is of heritage significance at the local level for its historic, associative, aesthetic and representative values.*

*The former Symonds Building situated at 194 Pitt Street has historical significance as it provides evidence of the former Victorian subdivision and an insight to the commercial development of early 20th century Sydney. As part of the family business Symonds' Furnishing Ltd., it provides evidence of the important role played by Jewish-run businesses in commercial Sydney.*

*It is also historically significant for its occupation as "Merivale & Mr John" for almost three decades. The landmark House of Merivale revolutionised the Australian fashion scene and was the first specialty fashion boutique in Australia.*

*It is associated with architect, Gordon McKinnon who is credited with the design of the building c.1914.*

*The former Symonds Building has aesthetic and representative significance as a fine example of a Federation Free style building that contributes to the character of the commercial streetscape of Pitt Street.*

#### 196 Pitt Street

28. The infill building at 196 Pitt Street was constructed in 1962 for the City Tattersall's Club of rendered concrete construction. It is 5 storeys in height, with two basement levels and does not have any heritage listing.

#### 198-200 Pitt Street

29. The City Tattersall's Club building was built in 1924, in the Inter-War Commercial Palazzo style of plastered masonry, steel and concrete construction. It is 5 storeys in height, with a single basement level. Key parts of the statement of significance for the City Tattersall's Club Building, as detailed in the Conservation Management Plan for the site, are reproduced below.

*...The City Tattersalls Club at 198-200 Pitt Street was purpose built for the Club in 1924 and has been in continuous use as such for almost a century. This is the longest association of any club in Sydney with one building. The Club has been associated with bookmaking and gambling since 1924. The site has connections with the former City Tattersalls Club at 249 Pitt Street and most significantly the Former Tattersalls Club 202-204 Pitt Street.*

*As such, it reflects the importance that this section of Pitt Street has contributed to the bookmaking and gambling precinct since the mid nineteenth century. The choice and use of the site also reflects the rivalry between the organisations.*

*The City Tattersalls Building at 198 – 200 Pitt Street is associated with the work of the architect, E.L. Thompson. The City Tattersalls Club building is of aesthetic significance as a fine example of the Inter-War Commercial Palazzo style and contributes to the streetscape of Pitt Street.*

*...City Tattersalls Club 198-200 Pitt Street has high significance for its ability to demonstrate the importance of horse racing in Australian popular culture. The CTC building has been in continuous use for the club for almost a century and is the oldest continuously operating club building in Sydney. As such, the significant building and the Lower Bar hold social significance for members.*

*The Club Bar of City Tattersalls Club 198-200 Pitt Street has high significance and is rare as a surviving and largely intact example of an Art Deco bar interior by Sidney Warden...*

#### **202-204 Pitt Street**

30. The Tattersall's Club was built in 1891, in the Victorian Free Classical style of sandstone masonry construction. It is 3 storeys in height, with a part basement level. The statement of significance for the Tattersall's Club, as detailed in the Conservation Management Plan for the site, is reproduced below.

*The former Tattersalls Club is of heritage significance at the local level for its historical, associative, aesthetic, social and representative values and for its rarity.*

*The former Tattersalls Club at 202 – 204 Pitt Street is a rare surviving example of a city club. The building was purpose built for the Tattersalls Club (completed in 1891) who operated at the site for 37 years. The building is a reflection of the importance of the Tattersalls Club which was established in 1858. The Tattersalls Club building is also associated with the City Tattersalls Club, who purchased the site in 1975 and who have operated at the site since. The building is likely to have social significance for the members of both of these organisations.*

*The Former Tattersalls Club 202-204 Pitt Street (1891) is associated with the high-quality work of the prominent practices of Sheerin & Hennessy who designed the building, and Robertson & Marks who undertook alterations and additions, most notably the rear ballroom (1914).*

*The building has high aesthetic and representative significance as a high-quality example of a Free Classical style facade at a period of transition from the late Victorian to early Federation period. The interior of the Former Tattersalls Club 202-204 Pitt Street has high significance for two spaces being the former Saloon Room (1891) and the former Billiard Room (1914).*

*The facade of the Former Tattersalls Club has high significance as a rare example of excellent craftsmanship in stonemasonry and compositional proportions remaining as a relatively intact form, in the Free Classical style.*

### **History of development applications and consents**

31. The site has been the subject of numerous development applications and consents, which are summarised below.

#### *194 Pitt Street*

32. The relevant development history of the property at 194 Pitt Street is as follows:
- (a) Development consent D/2008/1186 was granted on 21 November 2008 for a change of use, shopfront alterations and fit out of the ground floor of the premises for use in conjunction with the existing club. This consent was modified three times for BCA upgrades and hours of operation.
  - (b) Development consent D/2018/154 was granted on 29 March 2018 for a change of use of a club gaming lounge to a shop, including fit out.

#### *196-204 Pitt Street*

33. The relevant development history of the property at 196-204 Pitt Street is as follows:
- (a) Development consent D/1971/533 was granted on 1 September 1971 for alterations to the premises for use as a club.
  - (b) Development consent D/1973/566 was granted on 28 September 1973 for an extension of the existing club tavern.
  - (c) Development consent D/1977/80 was granted on 21 April 1977 for the addition of a ladies swimming pool to level 4.
  - (d) Development consent D/1991/649 was granted on 3 April 1992 for conversion of retail premises to club amenities.
  - (e) Development consent D/1995/51 was granted on 17 February 1995 for refurbishment of the buffet and kitchen areas.
  - (f) Development consent D/1995/242 was granted on 28 April 1995 for the refurbishment of the first floor and external poker machine area.
  - (g) Development consent D/1996/131 was granted on 21 March 1996 for refurbishment of the first floor casino lounge.
  - (h) Development consent D/1997/44 was granted on 17 February 1997 for the use and fit out for a cafe on level 1, including kitchen and servery.
  - (i) Development consent D/1997/724 was granted on 13 November 1997 for signage for the existing club.
  - (j) Development consent D/1998/274 was granted on 5 June 1998 for alterations to the first floor, including installation of windows, new ceilings and the fit out of a dining room.

- (k) Development consent D/1998/5305 was granted on 24 December 1998 for the extension of the existing mezzanine floor, installation of escalators, new bar and new toilets.
- (l) Development consent D/2003/152 was granted on 28 April 2003 for extensive alterations and renovations to the existing first floor kitchen areas.
- (m) Development consent D/2003/273 was granted on 28 April 2003 for extensive renovation and refurbishment of the ground, first, mezzanine and second floor levels in conjunction with the continued use for club purposes.
- (n) Development consent D/2003/425 was granted on 15 October 2003 for provision of entertainment in the ground floor lounge bar and first floor celebrity lounge and dining room.
- (o) Development consent D/2004/901 was granted on 16 September 2004 for extensive refurbishment of the basement level cellar area, including the upgrade of the existing plant and equipment areas, cool rooms and storage areas.
- (p) Development consent D/2004/902 was granted on 16 September 2004 for extensive refurbishment work to the ladies gym area located on the third and fourth floor levels.
- (q) Development consent D/2004/1282 was granted on 8 December 2004 for refurbishment of the existing Games Room snack bar located on the second floor of the club.
- (r) Development consent D/2006/1631 was approved on 24 January 2007 for alterations to the ground and first floor level of 202-204 Pitt Street, including the reconfiguration of the entry area and fire escape exits and stairs and the construction of air locks, in conjunction with its continued use for club purposes. This consent was modified once to amend conditions relating to noise and patron capacity.
- (s) Development consent D/2006/1633 was granted on 24 January 2007 for the use of the ground floor tenancy area of 196 Pitt Street for club purposes, involving alterations to the existing ground floor street elevation to accommodate a new external courtyard and the construction of a wall opening to the club entry lobby. This consent was modified once for minor modifications to the approved works.
- (t) Development consent D/2006/1762 was granted on 7 March 2007 for alterations and additions on first and second floor, including renovation of the first floor celebrity lounge and second floor games room, provision of an outdoor smoking courtyard and installation of escalators.
- (u) Development consent D/2007/1273 was granted on 5 September 2007 for the removal of an equine sculpture located on a parapet at the top of the building facade and replacement with a facsimile sculpture.
- (v) Development consent D/2008/1959 was approved on 10 February 2009 for a Place of Public Entertainment Licence (POPE) renewal for the existing club.

- (w) Development consent D/2010/1500 was granted on 24 November 2010 for demolition of the ground level entrance and construction of a relocated entrance to the club, new double height foyer, glazed shopfronts, alfresco gaming area, alterations to the existing awning and the expansion of the existing terrace in a glass fin enclosure. This consent was modified once to allow for staging of lodging footpath damage bank guarantee.

### **History of development applications and consents on adjoining properties**

#### *65-77 Market Street*

- 34. The relevant development history of the adjoining property at 65-77 Market Street is as follows:
  - (a) Development consent D/2017/167 was granted on 30 November 2017 for a concept building envelope with a height of up to 124.16 metres (RL 144.35 or approximately 32 storeys), with in-principle approval for conservation and refurbishment of the existing 10 storey heritage listed David Jones building, retention of the existing basement structures and alterations to t car parking and servicing areas and retention and widening of the vehicular access via Castlereagh Street.
  - (b) Development application D/2019/263 was lodged with the City on 19 March 2019 and is currently under assessment. The proposal is for retention and alteration of the existing retail/commercial building on the site and the construction of a 22 storey residential tower above (32 storeys total), including retail and commercial uses within the existing building, 101 residential apartments within the tower and 108 car parking spaces within the basement. An axonometric view of the currently proposed development is reproduced in Figure 31 below.



**Figure 31:** Axonometric view extract of the detailed design of the currently proposed development at 65-77 Market St, looking south-west.

#### **History of previous relevant development applications on the site**

35. Development application D/2014/913 for a concept mixed-use building envelope, comprising retail, club, hotel and residential land uses, was submitted to the City on 27 June 2014. The application was withdrawn by the applicant on 30 April 2015.
36. Development application D/2015/1214 for a concept mixed-use building envelope, comprising retail, club, hotel and residential land uses, was submitted to the City on 25 August 2015.
37. Class 1 appeal proceedings against the 'deemed refusal' of this application were commenced on 31 May 2016 with the Land and Environment Court of New South Wales.
38. The appeal was dismissed by the Court on 30 May 2017, with the judgement finding the development having detrimental impacts on the heritage significance of the site.

**History of the subject development application**

39. The City Tattersall's Club occupies the four amalgamated buildings on the site at 194, 196, 198-200 and 202-204 Pitt Street. They have been the subject of extensive refurbishment and upgrades over time.
40. The Club expresses an aim of undertaking a comprehensive and coordinated redevelopment of the site to refresh and renew club facilities and has entered into a development management agreement with ICD SB Pitt Street Pty Ltd to fulfil this aim.
41. The proposed hotel, retail tenancies and residential uses are intended to fund the ongoing commercial operations of the Club and retention of the historical club use on the site.
42. Following the Court's dismissal of the appeal to the deemed refusal of development application D/2015/1214, the applicant held a series of pre-development application workshops with, and prepared documentation for Council staff, relating to key matters arising from the Court proceedings. These were as follows:
  - (a) Heritage workshop 1: 20 November 2017
  - (b) Heritage workshop 2: 27 November 2017
  - (c) Heritage workshop 3: 1 February 2018
  - (d) Heritage significance mapping: 27 February 2018
  - (e) Heritage workshop 4: 12 March 2018
  - (f) Traffic workshop 1: 4 April 2018
  - (g) Heritage workshop 5: 5 April 2018
  - (h) Traffic workshop 2: 26 April 2018
  - (i) Heritage policy: 4 May 2018
  - (j) Traffic workshop 3: 15 May 2018
  - (k) Traffic correspondence: 4 June 2018
  - (l) Buildability report: 6 June 2018
  - (m) Heritage policy feedback: 22 June 2018
  - (n) Pre-development application workshop: 9 August 2018
43. The applicant also held stakeholder briefings on 10 and 11 September 2018, inviting key stakeholders, including:
  - (a) Stockland (owner of Piccadilly Shopping Centre);
  - (b) Investa (former part owner of Piccadilly Shopping Centre);
  - (c) Mirvac (55 Market Street);

- (d) CBUS and Scentregroup (David Jones); and
  - (e) Landowners of the residential apartment tower at 68-70 Market Street.
44. The subject development application was subsequently lodged with the City on 17 October 2018.
45. The application was presented to the City's Design Advisory Panel (DAP) on 13 December 2018. The DAP raised concerns relating to the proposed extent of the competitive design process, the relationship, interface and separation between podium and tower envelopes and the heritage buildings, setbacks and overshadowing of the adjoining properties and recommended further design investigations.
46. On 12 February 2019, a preliminary request for information sought an amended design excellence strategy, amended public art strategy, amended ESD report, concept landscape strategy, flooding report and information to address concerns raised by Sydney Metro.
47. On 19 March 2019, a detailed request for an amended application was made to the applicant, raising concerns with regard to the following matters:
- (a) The high level of risk and cost associated with the construction of footings and columns for the proposed tower in very confined light wells;
  - (b) Impacts relating to the form, scale and width of the proposed podium and tower envelopes, including a cantilever over the highly significant fabric of the building at 202-204 Pitt Street;
  - (c) Traffic generation, freight and servicing impacts associated with the proposed mix of land uses;
  - (d) Impacts arising as a result of non-compliant setbacks to the development to the sites to north and north-east of the site;
  - (e) Solar access and overshadowing to the approved and proposed development at 65-77 Market Street; and
  - (f) Acoustic privacy and natural ventilation issues.
48. On 17 June 2019, the applicant submitted an amended application to address concerns raised by the City's DAP and Council officers.
49. The amended application was also referred to external stakeholders, including Sydney Metro and Transport for New South Wales for comment.
50. The assessment provided below in this assessment report is based on the amended drawings and documents submitted to the City on 17 June 2019, in conjunction with ongoing discussions and meetings with, and detailed advice from external New South Wales State government agencies.

## City of Sydney Act 1988

51. Section 51N of the City of Sydney Act, 1988 requires the Central Sydney Planning Committee to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development application that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney Central Business District.
52. A full extract of this Section is provided below.

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

*(1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*

*(2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*

*(3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*

*(4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."*

53. The Director City Planning Development and Transport is the delegate of the Planning Committee and formed the view that the project may have significant impact on traffic in the CBD and required consultation with the CSTTC. Transport for New South Wales, as the delegate of the CSTTC, was consulted. Submissions received by the City from Transport for New South Wales are considered in the assessment of the application and the recommended conditions are included in Attachment A to this report.

## Economic, Social and Environmental Impacts

54. The application is assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979, including consideration of the following matters:
  - (a) Environmental Planning Instruments and Development Control Plans

### **State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)**

55. The aim of 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.

56. A Preliminary Site Investigation report was submitted with the development application and reviewed by City staff during the assessment of the proposal.
57. The City's Health and Building Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use in accordance with Clause 7 of SEPP 55 and the SEPP 55 Guidelines.

**State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)**

58. SEPP 65 applies to the proposal as any subsequent detailed development application will comprise residential flat buildings of three or more floors and containing four or more apartments.
59. Clause 70B of the Environmental Planning and Assessment Regulation, 2000 provides that design verification required under Clause 50(1A) of the Regulation is not required for concept development applications unless the development application contains detailed proposals for a residential flat building.
60. Detailed development works are not sought and, as a result, no design verification statement was submitted with the application.
61. The proposed development is for conceptual building envelope and indicative land uses only, and no physical building works are sought, or recommended for approval, as part of this application. In the event that the subject application is approved, the detailed design of the development will be the subject of both a competitive design process and further detailed design development application.
62. SEPP 65 provides that the consent authority take into consideration a number of matters relating to design quality. These include whether the proposed building envelopes and indicative land uses have the ability to achieve the 9 design quality principles set out in Schedule 1 of SEPP 65.
63. A further more detailed assessment of SEPP 65 will be undertaken in relation to any subsequent development application for the detailed design of the proposed development.
64. The principles are summarised and addressed with regard to the concept building envelope as follows:
  - (a) **Principle 1: Context and Neighbourhood Character**
    - (i) The site is centrally located in the Sydney Central Business District, amongst buildings of similar height and scale and in proximity to existing and planned public transport infrastructure, including multiple bus routes, bicycle lanes and light, heavy and metro rail stations. The proposal will contribute to the vitality of the locality and the broader City of Sydney Local Government Area.
    - (ii) It is located in the B8 Metropolitan Centre zone and the proposal is generally in accordance with the objectives of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012, subject to the recommended conditions. The proposal is also consistent with the existing and desired future character of the locality.

(b) **Principle 2: Built Form and Scale**

- (i) The immediate locality along Pitt Street and Market Street has a diverse built form and scale, architectural building styles and land uses. The form and scale of development anticipated in the area is consistent with the height and typology of the proposal.
- (ii) The proposed building envelope adheres to the provisions of the Sydney LEP 2012, including the maximum height prescribed by the Hyde Park sun access plane. The proposal responds satisfactorily to the surrounding urban renewal context, while achieving a suitable form and scale, subject to the recommended conditions.
- (iii) The proposal maintains the existing street wall height of the heritage item facades on the site.

(c) **Principle 3: Density**

- (i) The proposed density of development in the indicative concept design scheme drawings demonstrates that the envelope accommodates a building which complies with the maximum Floor Space Ratio development standard in Clause 4.4 and accommodation floor space available under Clause 6.4 of the Sydney LEP 2012.
- (ii) It is consistent with the desired future character envisaged in the locality of the Sydney Central Business District and the broader City of Sydney Local Government Area.

(d) **Principle 4: Sustainability**

- (i) The proposal is accompanied by an indicative concept design scheme showing compliance with the minimum solar access and natural cross ventilation requirements of SEPP 65 and the Apartment Design Guide (ADG).
- (ii) The competitive design process phase for the detailed design of the development is required to achieve sustainable development targets and to optimise opportunities for ecologically sustainable development (ESD) and best practice environmental performance, including low running costs in relation to water and energy use.
- (iii) Any subsequent detailed design development application must also be accompanied by a BASIX Certificate to demonstrate that the NSW Government's sustainability requirements are met.

- (e) **Principle 5: Landscape**
    - (i) The existing building footprint is constructed to the site boundaries. Accordingly, there is no at grade landscaped area. This is acceptable in the context of the Sydney Central Business District.
    - (ii) A concept landscape statement was submitted with the application, setting high level design principles that refer to the potential within the envelope for opportunities for landscaping and open space.
    - (iii) Conditions are recommended requiring any future detailed design development application involving the development of a residential flat or mixed use building to provide areas of communal open space and to be accompanied by a detailed landscape plan and statement in accordance with the concept landscape statement.
  - (f) **Principle 6: Amenity**
    - (i) The indicative concept design scheme submitted with the application demonstrates that a residential apartment building within the proposed tower form is capable of achieving an acceptable level of amenity.
    - (ii) The indicative scheme provides compliant levels of solar access, natural cross ventilation and apartment sizes.
  - (g) **Principle 7: Safety**
    - (i) This is a matter for a future detailed design development application. A condition is recommended for a Security Management Plan prepared in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles.
  - (h) **Principle 8: Housing Diversity and Social Interaction**
    - (i) The site benefits from its proximity to existing and future retail premises (within and outside the site) and commercial, recreational and entertainment facilities in the wider locality of the Sydney Central Business District. The site is suitable for the proposed indicative residential uses.
    - (ii) The indicative concept design demonstrates that there will be a suitable mix of dwellings provided in the proposed building envelopes on the site and that a future building can be provided with adequate areas of communal open space. This will require demonstration in any future detailed design development application.
  - (i) **Principle 9: Aesthetics**
    - (i) This is a matter for a subsequent detailed design development application. A condition is recommended to ensure that the future building provides suitable architectural diversity, expression and character in order to achieve consistency with this design quality principle.
65. The proposed envelope is generally acceptable when assessed against the principles set out above and the provisions of SEPP 65 generally.

**Apartment Design Guide (ADG)**

66. Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to residential apartment developments.
67. Compliance with the guidelines in the ADG, where relevant to the assessment of the subject concept development application, is addressed in the table below.

<b>2E Building Depth</b>	<b>Compliance</b>	<b>Comment</b>
12-18 metres (glass to glass)	Able to comply	<p>The proposed building envelope has a maximum east-west dimension of approximately 33 metres and a maximum north-south dimension of approximately 26.5 metres.</p> <p>While this exceeds the maximum 18 metre requirement, it allows for flexibility in terms of building position and articulation when designing a future building.</p> <p>The future detailed design requires compliance with the maximum building depth criterion.</p>

2F Building Separation	Compliance	Comment
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> <li>• 12 metres between habitable rooms / balconies</li> <li>• 9 metres between habitable and non-habitable rooms</li> <li>• 6 metres between non-habitable rooms</li> </ul> <p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> <li>• 18 metres between habitable rooms / balconies</li> <li>• 12 metres between habitable and non-habitable rooms</li> <li>• 9 metres between non-habitable rooms</li> </ul>	Not applicable	No indicative residential uses are proposed to the first 14 storeys of the existing heritage buildings and podium envelope.
<p>Nine storeys and above (over 25 metres):</p> <ul style="list-style-type: none"> <li>• 24 metres between habitable rooms / balconies</li> <li>• 18 metres between habitable and non-habitable rooms</li> <li>• 12 metres between non-habitable rooms</li> </ul>	No	<p>The site has common boundaries with adjoining properties to the north, east and south.</p> <p>The ADG suggests the building separation to be shared equally between sites.</p> <p>The proposed tower form provides for indicative residential uses which have compliant 12 metre setbacks from the eastern and southern boundaries of the site.</p> <p>The setback of the tower to the northern boundary of the site ranges between approximately 1.65 and 7 metres.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

3B Orientation	Compliance	Comment
Overshadowing of neighbouring properties is minimised during midwinter.	Able to comply	The sun's eye view diagrams submitted with the amended application submitted to the City on 17 June 2019 demonstrate that overshadowing to neighbouring properties, including the proposed residential tower at 65-77 Market Street (David Jones building), is minimised in accordance with the design guidance under Objective 3B-2 of the ADG.

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Able to comply	<p>The ADG requires 584 square metres of communal open space on the site. The design guidance under Objective 3D-1 provides that, where developments are unable to achieve the design criteria, such as for sites in business zones or in dense urban areas, they should:</p> <ul style="list-style-type: none"> <li>• provide communal spaces such as a landscaped roof top terrace or a common room;</li> <li>• provide larger balconies or increased private open space for apartments; and</li> <li>• demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.</li> </ul> <p>The indicative concept design scheme does not provide any communal open space and instead provides for:</p> <ul style="list-style-type: none"> <li>• 1,200 square metres of space termed as 'communal space' on levels 3 and 4 of the podium, co-located with the indicative hotel use;</li> </ul>

3D Communal and Public Open Space	Compliance	Comment
		<ul style="list-style-type: none"> <li>• large balconies and terraces to apartments at levels 43 to 46 inclusive; and</li> <li>• proximity to public open space at Hyde Park North.</li> </ul> <p>Although this does not conform to the requirements of the design criterion in Part 3D-1 of the ADG, there is sufficient space in the envelope to provide communal open space or alternatives, as envisaged by the ADG design guidelines.</p> <p>Appropriate conditions are recommended to ensure that any subsequent competitive design process and detailed design development application provides communal space for exclusive use of residents which is not co-located or co-mingled with other uses.</p>

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6 metres</p>	<p>No but acceptable</p>	<p>The site is located in the highly urbanised environment of the Sydney Central Business District, where a lack of deep soil zones is characteristic of development in the locality.</p> <p>No deep soil zones are proposed, given that opportunities to provide them on the site are constrained, as the existing and proposed building footprint occupies the entirety of the site area.</p> <p>No objection to the lack of deep soil zones is raised and matters relating to stormwater management and landscape opportunities can be investigated and addressed in any future detailed design development application.</p>

3F Visual Privacy	Compliance	Comment
<p>Up to four storeys (12 metres):</p> <ul style="list-style-type: none"> <li>• 6 metres between habitable rooms / balconies</li> <li>• 3 metres between non-habitable rooms</li> </ul> <p>Five to eight storeys (25 metres):</p> <ul style="list-style-type: none"> <li>• 9 metres between habitable rooms / balconies</li> <li>• 4.5 metres between non-habitable rooms</li> </ul>	Not applicable	No indicative residential uses are proposed to the first 14 storeys of the existing heritage buildings and podium envelope.
<p>Nine storeys and above (over 25 metres):</p> <ul style="list-style-type: none"> <li>• 12 metres between habitable rooms / balconies</li> <li>• 6 metres between non-habitable rooms</li> </ul>	No	<p>The site has common boundaries with adjoining properties to the north, east and south.</p> <p>The ADG requires the separation distances to be shared equitably between neighbouring sites.</p> <p>The proposed tower form provides for indicative residential uses which have compliant 12 metre setbacks from the eastern and southern boundaries of the site.</p> <p>The setback of the tower to the northern boundary of the site ranges between approximately 1.65 and 7 metres.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of two hours of direct sunlight in midwinter to living rooms and private open spaces.	Able to comply	The sun's eye views submitted with the amended application show 78.8% (193) of the apartments in the indicative concept design scheme receive compliant solar access.

4A Solar and Daylight Access	Compliance	Comment
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Able to comply	The sun's eye views submitted with the amended application demonstrate that 11.4% (28) of the apartments in the indicative concept design scheme receive no direct sunlight between 9am and 3pm at the midwinter solstice.

4B Natural Ventilation	Compliance	Comment
Minimum 60% of apartments in the first 9 storeys of the building are naturally cross ventilated.	Able to comply	<p>All of the indicative residential uses will be above 9 storeys in height.</p> <p>The noise and vibration report submitted with the amended application requires special consideration to address potential noise impacts on dwellings in the future development on the site.</p> <p>Appropriate conditions of consent are recommended to ensure that the future detailed design of the development of the site is capable of providing natural ventilation while providing acceptable noise levels within dwellings.</p>

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7 metres	Able to comply	<p>The proposed building envelopes assume a minimum 3.1 metre floor to floor height for indicative residential floors.</p> <p>This is sufficient to provide a floor to ceiling height of 2.7 metres.</p>
Non-habitable rooms: 2.4 metres	Able to comply	As above.

4D Apartment Size and Layout	Compliance	Comment
Minimum unit sizes: <ul style="list-style-type: none"> <li>• Studio: 35 square metres</li> <li>• 1 bed: 50 square metres</li> <li>• 2 bed: 70 square metres</li> <li>• 3 bed: 90 square metres</li> </ul>	Able to comply	The indicative concept design scheme submitted with the application demonstrates that compliant apartment sizes can be achieved in the proposed envelope.

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4 square metres with a minimum depth of 1 metre.</p> <p>One bed apartments are to have a minimum balcony area of 8 square metres with a minimum depth of 2 metres.</p> <p>Two bed apartments are to have a minimum balcony area of 10 square metres with a minimum depth of 2 metres.</p> <p>Three bed apartments are to have a minimum balcony area of 12 square metres with a minimum depth of 2.4 metres.</p>	Able to comply	The indicative concept design scheme submitted with the application demonstrates that compliant private open space areas can be achieved in the proposed envelope.

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

68. The provisions of the Infrastructure SEPP have been considered in the assessment of the development application.

#### Clause 45

69. The application is subject to Clause 45 of the Infrastructure SEPP, given that it comprises development likely to affect an electricity transmission or distribution network.

70. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days. Ausgrid raised no objection to the proposal, subject to the recommended conditions in Attachment A to this report.

*Clauses 86 and 88A*

71. The application is subject to Clauses 86 and 88A of the Infrastructure SEPP, given that it involves indicative excavation above a rail corridor and major development of land that is within the Metro Corridor.
72. In accordance with the Clauses, both the original and amended applications were referred to Sydney Metro, each for a period of 21 days. Sydney Metro raised no objection to the amended proposal, subject to the recommended conditions in Attachment A to this report.

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

73. The site is located in the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SREP 2005.
74. The Sydney Harbour Catchment Planning Principles for consideration include:
  - (a) Protect and improve hydrological, ecological and geomorphologic processes;
  - (b) Consider cumulative impacts of development in 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.
75. The site is in 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 2005 are not applicable to the proposed development.
76. The development is consistent with the controls contained in the SREP 2005

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

77. Any subsequent detailed design development application will be required to satisfy BASIX requirements.
78. A condition is recommended to ensure that it is accompanied by a valid BASIX Certificate, in accordance with the provisions of the BASIX SEPP and Environmental Planning and Assessment Regulation, 2000.

**Sydney Local Environmental Plan 2012 (Sydney LEP 2012)**

79. The site is located in the B8 Metropolitan Centre zone. The proposed mix of uses (hotel accommodation, registered club, residential apartments and retail premises) are all permissible with consent in the zone.
80. The relevant matters under the Sydney Local Environmental Plan 2012 for the proposal are outlined in the compliance tables below.

Development Control	Compliance	Comment
4.3 Height of buildings	Not applicable	<p>The site is located in Area 3 on Sheets 14 and 15 of the Height of Buildings Map in the Sydney LEP 2012. No maximum height limit is applied in Area 3.</p> <p>The maximum height for buildings on this land are determined by the sun access planes that are taken to extend over the land via the operation of Clause 6.17 of the Sydney LEP 2012 (refer below).</p>
4.4 Floor space ratio (FSR) 6.4 Accommodation floor space	Able to comply	<p>A maximum FSR of 13.4:1 is permitted on the site, based on the proportions of the mix of indicative uses proposed within the building envelope.</p> <p>The indicative concept design scheme drawings demonstrate that the proposal can achieve compliance with the maximum FSR for the subject site.</p> <p>A condition is recommended ensuring any subsequent detailed design development application complies and requires the provision of precise calculations and details of the distribution of Gross Floor Area (GFA) and FSR with any such future application.</p>
5.10 Heritage conservation	Yes	<p>The subject site includes three heritage items. The exterior of the items and many of the internal features are of high significance.</p> <p>While the proposal will result in extensive works on the site, the impacts on the items are generally acceptable, subject to conditions.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
6.17 Sun access planes	Yes	<p>The subject site is subject to the Hyde Park West Sun Access Plane, which results in a maximum height of approximately 168 metres above ground level.</p> <p>The proposed building envelope complies with the sun access plane.</p>
6.21 Design excellence	Yes	<p>The proposal is for concept building envelopes which are capable of accommodating future buildings which can exhibit design excellence in accordance with the objective and matters for consideration in Clause 6.21 of the Sydney LEP 2012.</p> <p>A competitive design process is proposed, prior to the lodgement of a subsequent detailed design development application which will seek up to an additional 10% exceedance of the maximum floor space ratio applicable to the site. Demonstration of design excellence is required before the award of any bonus floor space.</p>

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
Division 1 Car parking ancillary to other development	Able to comply	<p>The maximum number of car parking spaces permissible will be dependent on the number of apartments proposed in any future detailed design development application and the quantum of retail, hotel and club floor space provided.</p> <p>The indicative concept design scheme does not propose any car parking spaces and the Transport Impact Assessment (TIA) and Plan of Management (PoM) submitted with the amended application do not include on-site parking and car use as a recommended mode of transport for staff, residents or visitors of the future development.</p>

Part 7 Local Provisions - General	Compliance	Comment
		Appropriate conditions are recommended ensuring that this strategy is adopted in any future detailed design development application.
7.14 Acid sulfate soils (ASS)	Able to comply	<p>The site is located on land identified as Class 5 ASS that is within 500 metres of land identified as Class 3 ASS.</p> <p>It will be determined at the detailed design development application stage if the ASS provisions of the Sydney LEP 2012 are triggered by any proposed excavation works.</p>
7.15 Flood planning	Able to comply	<p>The site is identified as being flood affected.</p> <p>The submitted Site Flood Assessment sets flood planning levels that accord with the City's Interim Floodplain Management Policy.</p> <p>In light of the above, the objectives of the clause are met by the concept proposal.</p> <p>Appropriate conditions are recommended and included in Attachment A to this report in order to ensure that any future detailed design development application will be required to demonstrate that the specific flood planning design criteria set out in Clause 7.15 of the Sydney LEP 2012 are met.</p>
7.16 Airspace operations	Yes	<p>The proposed development will penetrate the Obstacle Limitation Surface (OLS) as shown on the OLS Map for the Sydney Airport.</p> <p>As discussed below under the <b>Airports Act 1996</b> heading, approval has been provided by the Director, Airport Safeguarding Aviation and Airports Division.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.20 Development requiring preparation of a development control plan	Yes	<p>The area of the site is greater than 1,500 square metres, which triggers the requirement for the preparation of a site-specific development control plan.</p> <p>Section 4.23 of the Environmental Planning and Assessment Act, 1979 allows a concept approval to be lodged in lieu of preparing a development control plan.</p> <p>The matters under Clause 7.20 (4) of the Sydney LEP 2012 are satisfied by the documentation submitted with the application and the recommended conditions.</p> <p>The proposal satisfactorily sets expectations for the form, massing, scale, environmental impacts, ESD outcomes, access outcomes, interface with ground level and landscaping outcomes of the development.</p>

### Sydney Development Control Plan 2012 (Sydney DCP 2012)

81. The relevant matters under the Sydney DCP 2012 for the proposed development are outlined below.

3. General Provisions	Compliance	Comment
<p>3.1 Public Domain Elements</p> <p>3.1.5 Public art</p>	Able to comply	<p>A preliminary Public Art Strategy was submitted with the application. The strategy was reviewed by Council staff and is acceptable with regard to the provisions of Section 3.1.5 of the Sydney DCP 2012. This strategy is recommended to form a part of the competitive process design brief to inform any future design competition.</p> <p>A detailed Public Art Strategy is required to be developed for the site in accordance the preliminary strategy and the City's Public Art Policy and Section 3.1.5 of the Sydney DCP 2012.</p>

3. General Provisions	Compliance	Comment
		Appropriate conditions are recommended ensuring that this strategy is required to be prepared and submitted as part of any future detailed design development application.
3.2 Defining the Public Domain	Yes	The proposal maintains and improves the existing active frontage with additional ground level retail and hotel activity and maintains the existing pedestrian awnings on the site. The proposal will make a positive contribution to the public domain.
3.3 Design Excellence and Competitive Design Processes	Yes	Any future detailed design development application associated with the proposed development will be the subject of a competitive design process. An appropriate condition to this effect is recommended and included in Attachment A to this report.
3.5 Urban Ecology	Yes	<p>The proposed development does not involve the removal of any trees and will not result in any significant adverse impacts upon the local urban ecology.</p> <p>An appropriate condition is recommended to require street trees adjacent to the site are retained and protected in any subsequent detailed design development application.</p>
3.6 Ecologically Sustainable Development (ESD)	Able to comply	<p>Conditions are recommended and included in Annexure A to this report in order to ensure that the relevant ESD commitments in the Design Excellence Strategy will be carried through the competitive design process to the detailed design development application.</p> <p>Furthermore, a condition is recommended to require a valid BASIX Certificate to be submitted with any such application, in accordance with the provisions of the BASIX SEPP and Environmental Planning and Assessment Regulation, 2000.</p>

3. General Provisions	Compliance	Comment
3.7 Water and Flood Management	Able to comply	<p>Detailed Site Flood Assessment and Building Services reports accompanied the development application and are acceptable.</p> <p>This is discussed above in relation to the relevant provisions of the Sydney LEP 2012.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>An appropriate condition is recommended ensuring the two existing lots on the site are consolidated into a single allotment in any future detailed design development application.</p>
<p>3.9 Heritage</p> <p>3.9.4 Development of sites of State heritage significance or containing more than one heritage item</p>	Yes	<p>The subject site includes three heritage items. The exterior of the items and many of the internal features are of high significance.</p> <p>While the proposal will result in extensive works on the site, the impacts on the item are generally acceptable, subject to conditions.</p> <p>A heritage committee is required to be appointed to examine and advise on the merits of the proposal, which is not warranted in the circumstances of the proposal.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>
3.11 Transport and Parking	Able to comply	<p>Appropriate conditions of consent are recommended and included in Attachment A to this report to ensure that adequate bicycle parking facilities are provided as part of any future detailed design development application.</p> <p>An amended Transport Impact Assessment and Plan of Management were submitted with the amended application lodged with Council on 17 June 2019, which propose detailed arrangements in relation to transport, freight and servicing impacts associated with the development.</p>

3. General Provisions	Compliance	Comment
		Refer to the further discussion and assessment provided below under the Issues heading.
3.12 Accessible Design	Able to comply	An appropriate condition is recommended and included in Attachment A to this report to require an Access Report to be submitted with any future detailed design development application to ensure that the future buildings on the site incorporate accessible design.
3.13 Social and Environmental Responsibilities	Able to comply	A condition is recommended and included in Attachment A to this report to require a Security Management Plan, prepared in accordance with the 'Crime Prevention Through Environmental Design' principles, to be submitted with any future detailed design development application.
3.14 Waste	Able to comply	A condition is recommended and included in Attachment A to this report to require that a Waste Management Plan is submitted with any subsequent detailed design development application, in accordance with the controls in Section 3.14 of the Sydney DCP 2012.
3.16 Signs and Advertisements	Able to comply	A condition is recommended and included in Attachment A to this report to require a signage strategy to be submitted with any subsequent detailed design application, in accordance with the requirements of Section 3.16.1 of the Sydney DCP 2012.

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1 Building height  4.2.1.2 Floor to ceiling heights and floor to floor heights	Able to comply	The indicative concept design scheme drawings demonstrate that the proposed envelopes can accommodate compliant floor to ceiling and floor to floor heights.
4.2.2 Building setbacks	Yes	The proposal maintains the established street frontage height of the existing heritage items on the site and provides a compliant 10 metre setback to the podium and tower envelopes above the street wall height.  These serve to adequately maintain the setting of the subject heritage items.
4.2.3 Amenity	Able to comply	The indicative concept design scheme drawings demonstrate that a building can be constructed within the proposed envelope with acceptable levels of residential amenity.
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	The retention of the existing heritage items on the subject site maintains the existing fine grain built form and varied architectural character to Pitt Street.  The form and scale of the podium and tower envelopes above provide adequate capacity to ensure appropriate facade modulation and articulation to a future building proposed in any subsequent detailed design development application.
4.2.6 Waste and Recycling Management	Able to comply	The indicative concept design scheme drawings have provided areas within the building envelope to accommodate waste storage and collection facilities.  A condition is recommended to ensure these are provided in any subsequent detailed design development application.

<b>4. Development Types</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.2 Residential flat, commercial and mixed use developments</b>		
4.2.7 Heating and Cooling Infrastructure	Able to comply	The indicative concept design scheme drawings have provided areas within the building envelope to accommodate plant and services, including consolidated heating and cooling infrastructure.
4.2.8 Letterboxes	Able to comply	The location of letterboxes can be addressed as part of any future detailed design development application.

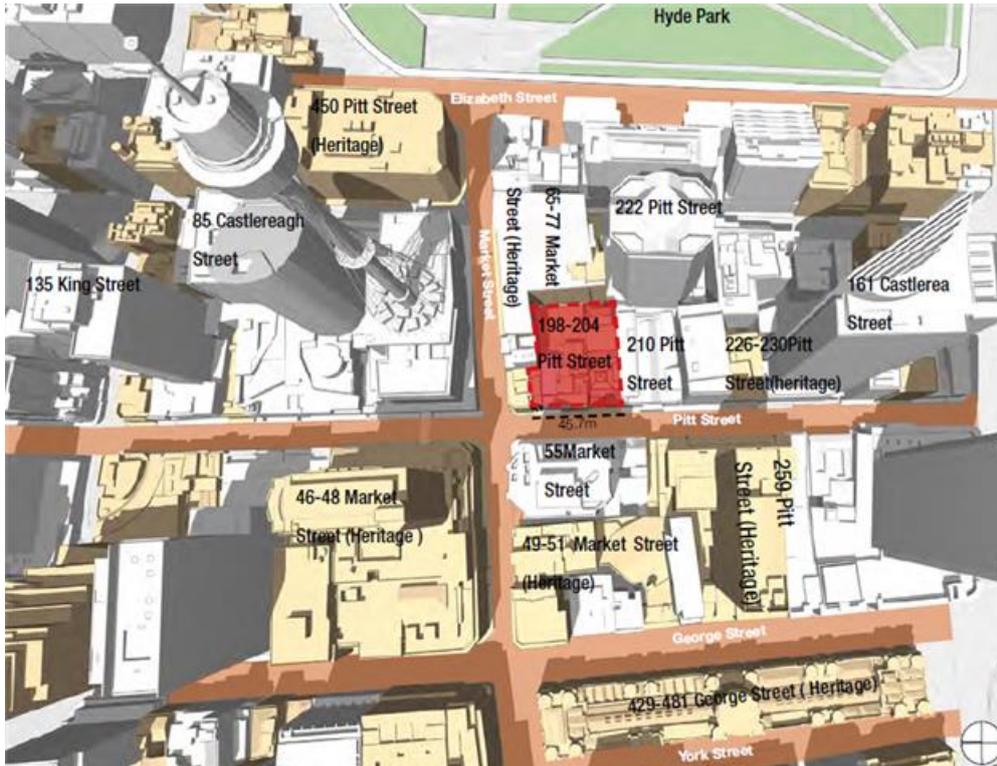
<b>5. Specific Areas</b>	<b>Compliance</b>	<b>Comment</b>
<b>5.1 Central Sydney</b>		
5.1.1 Street frontage heights	No but acceptable	<p>Street frontage heights in Central Sydney are required between 20 to 45 metres.</p> <p>The height of the existing heritage items for retention on the site ranges between approximately 19 to 28 metres and does not fully comply with the minimum height of the control.</p> <p>The non-compliance is acceptable in this case however, given the heritage significance of the subject items.</p>
5.1.2 Building setbacks		
5.1.2.1 Front setbacks	Yes	The proposal provides a 10 metre setback above the heritage items on the site.
5.1.2.2 Side and rear setbacks	No	<p>The proposal provides compliant 12 metre setbacks from the eastern and southern boundaries.</p> <p>The setback of the tower to the northern boundary of the site ranges between approximately 1.65 and 7 metres.</p>

5. Specific Areas 5.1 Central Sydney	Compliance	Comment
		Refer to the further discussion and assessment provided below under the Issues heading.
5.1.5 Building bulk	Yes	Above a height of 45 metres, tower floor plates are restricted to a maximum of 1,000 square metres, with a maximum dimension of 40 metres.  The proposal provides a maximum floor plate of approximately 856 square metres and a maximum dimension of approximately 33 metres.
5.1.6 Building exteriors	Able to comply	The proposal is for a concept building envelope and the architecture and materiality of the development will be determined as part of any future competitive design process and detailed design development application.
5.1.9 Award and allocation of heritage floor space	Able to comply	Accommodation floor space and competition floor space will be subject to the allocation of heritage floor space in any future detailed design development application

## Issues

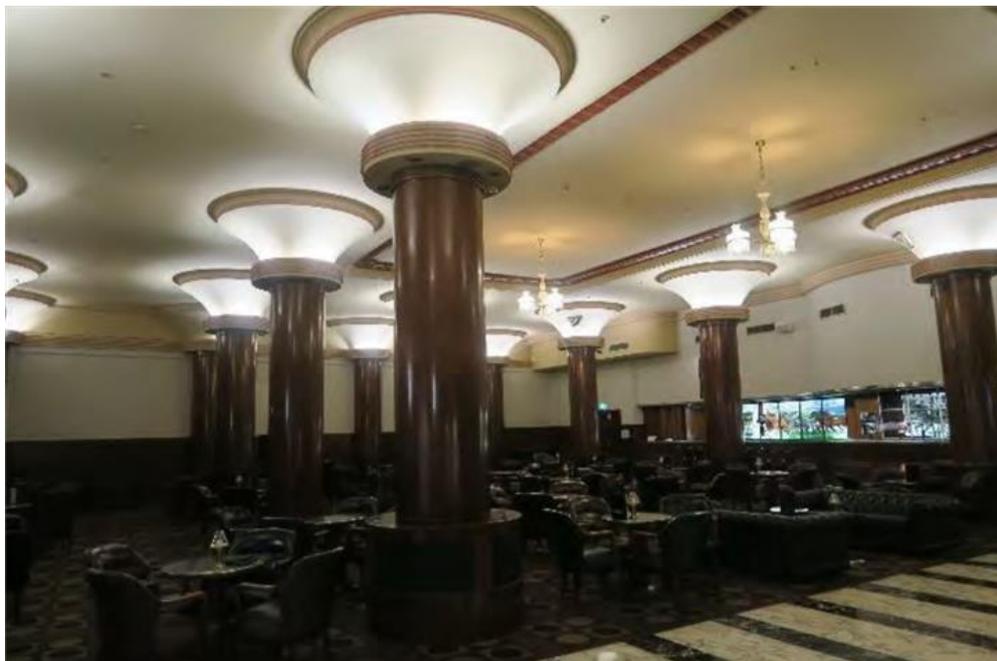
### Heritage conservation

82. The site includes three heritage items and is located in proximity to numerous heritage items, as identified in the map depicted in Figure 32 below.



**Figure 32:** Axonometric view extract of the site and heritage items in the locality (site shown in red).

83. The exterior of the three items (depicted in Figures 4 to 8 above) and many internal features are of high heritage significance (depicted in Figures 33 to 35 below). The application is therefore subject to the heritage controls contained in the Sydney LEP 2012 and Sydney DCP 2012.



**Figure 33:** View of the interior of the former Club Room / Lower Bar at 198-200 Pitt St.



**Figure 34:** View north-east across the Celebrity Lounge towards the stage at 198-200 Pitt St.



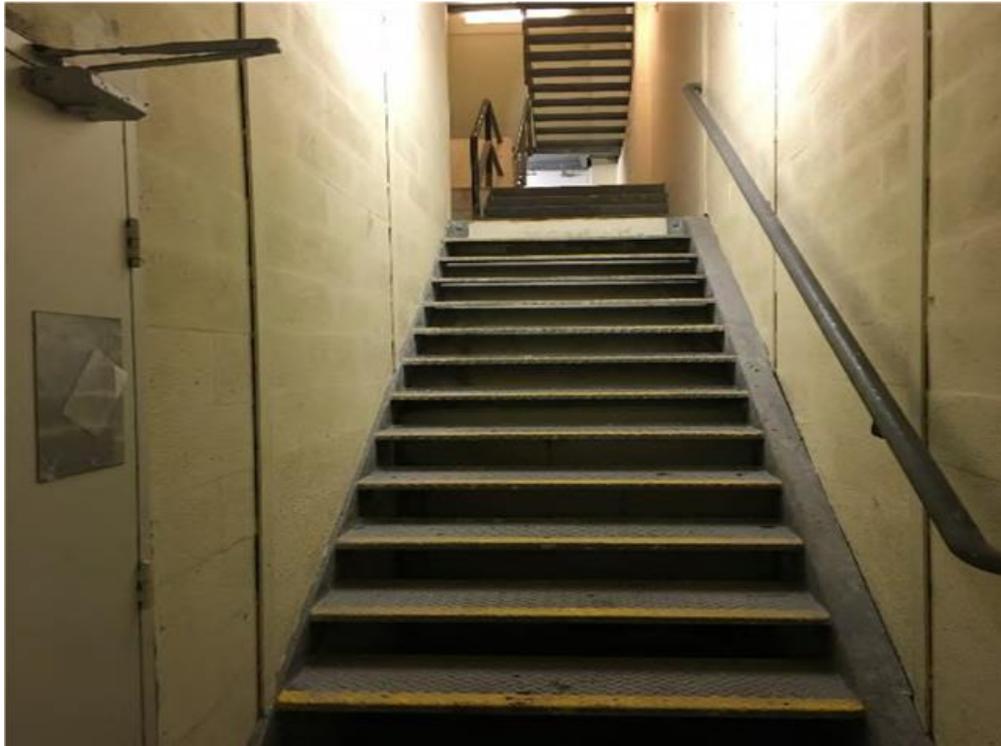
**Figure 35:** View west across the mezzanine of the Corinthian Room at 202-204 Pitt St.

84. In the circumstances of the subject application, the threshold question is whether a tower of the proposed form and scale has acceptable impacts on the setting of the heritage items on the site. The three significant buildings on the site are relatively low-scale city buildings with well-proportioned classical facades that are architecturally complete.

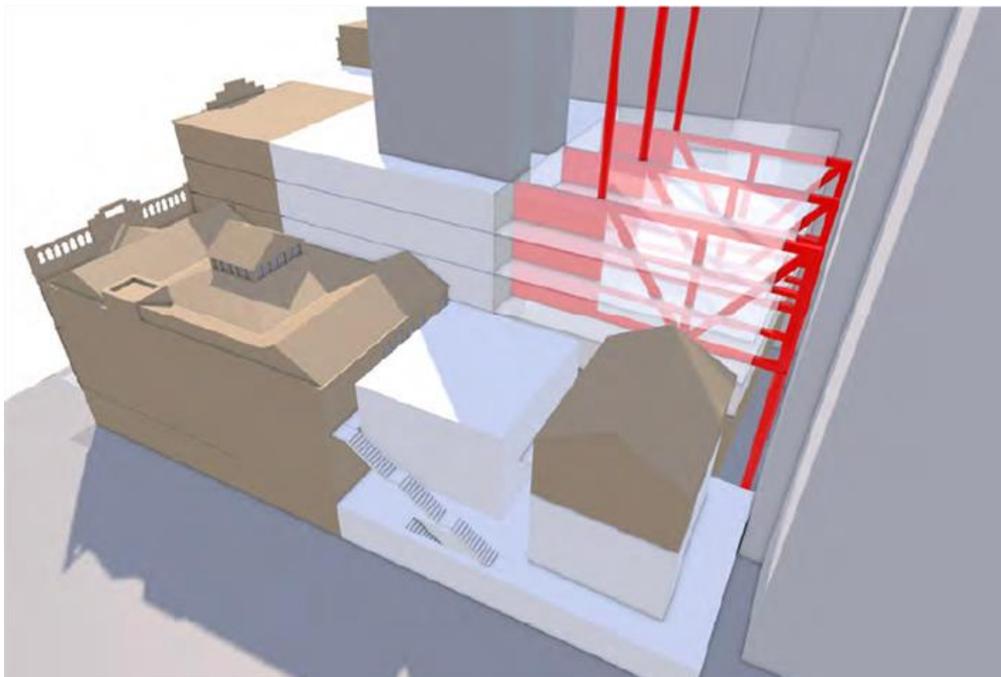
85. The subject application seeks to place a podium and tower on top of the significant interiors of the subject heritage items by relying on demolition of an unlisted building and partial demolition of less significant interiors to provide for lift core and structural support. The tower envelope rises from 198-200 Pitt Street, but also overhangs the most significant southern building at 202-204 Pitt Street.
86. The main concern with the original envelope was that it would produce a tower that visually dominated the heritage items and had an unacceptable impact on their setting, including views from Pitt Street. The amendments made to the envelope by the applicant on 17 June 2019 have generally addressed this concern, as outlined below.
87. The key heritage considerations for the amended proposal are as follows:
- (a) How does a tower of this scale contribute to the conservation of the heritage items?
  - (b) Will the form and scale of this envelope result in a tower that has an acceptable impact on the setting of the heritage items?
  - (c) Does the proposed cantilever over 202-204 Pitt Street have an acceptable heritage and aesthetic impact?
88. The following assessment addresses these relevant heritage considerations:

*Structure*

- (a) The proposed new structures and fabric can house services, lifts and fire stairs required by contemporary standards and codes that would otherwise have a negative heritage impact on retained heritage fabric and spaces. The new tower locks in and extends the significant and historic ongoing use of the place.
- (b) 198-200 Pitt Street has had previous major additions and internal changes which eroded many of the interiors, changed the roof form and filled in original light wells with intrusive services to the extent that they can no longer provide light and air to the spaces they originally served, as indicated by the photograph in Figure 36 below.
- (c) The structural analysis provided with the application (reproduced in Figure 37 below) indicates that the proposed steel structure can support the podium and tower above, but will require the construction of new footings and columns in the confined light wells and addition of a transfer structure above the heritage item.



**Figure 36:** The eastern light well at 198-200 Pitt Street partially infilled for a fire stair.



**Figure 37:** Axonometric view extract of indicative truss structure above the celebrity lounge and members bar, looking north-west (truss structure shown in red).

- (d) This is acceptable as the structure in the degraded light wells is outside the architectural envelope of the original building, but will entail considerable risk and expense, requiring full resolution during any subsequent competitive design process and detailed design development application.

- (e) The 13 metre structural set back between the new core and the existing west elevation of 198-200 Pitt Street can maintain a deep, stable and characteristic section of the original structure and interiors, which is an acceptable heritage outcome.

*Effect on the heritage significance of the items*

- (a) As discussed above, 198-200 Pitt Street has had major additions and internal changes which have removed, disfigured or concealed much of the interior, with surviving significant interiors existing in isolation, physically separated by intrusive interiors. The existing entrance sequence and majority of the existing interiors give no sense of place as a heritage item.
- (b) The proposed demolition and interventions for the tower can facilitate conservation of surviving significant interiors, a new entrance sequence, vertical circulation and interpretation of 198-200 Pitt Street.
- (c) The proposed tower has no physical impact on 194 Pitt Street or 202-204 Pitt Street, but will have an impact on their setting, which is discussed below.

*Services*

- (a) Significant spaces in 198-200 Pitt Street, including the lower bar, are marred by intrusive services and bulkheads, as indicated in Figure 38 below. Air conditioning and other services have intrusive effects throughout the complex. 202-204 Pitt Street includes intrusive escalators and a mezzanine built in the 1940s that disrupts the original double height Tattersall's Club room.



**Figure 38:** View of the former Club Room / Lower Bar, including intrusive bulkhead.

- (b) The proposed new core and tower provide an opportunity to rationalise and minimise intrusive services and vertical circulation in the three heritage items. The new fabric can serve the old, particularly housing cooling towers and compressors, service risers, kitchens, bathrooms and the like.

- (c) The building at 194 Pitt Street was not built for club purposes but was acquired and fitted out with uses that complement the other club buildings. The other 2 heritage items were occupied by the City Tattersall's club for many years. 198-200 Pitt Street was purpose-built for the club and opened in 1925. The neighbouring 202-204 Pitt Street was purpose-built for the rival Tattersall's Club in 1891 and acquired by City Tattersall's Club in 1975.
- (d) The site represents the ongoing use and expansion of a sporting club, particularly focussed on horse racing, dating to 1891. This is reflected in the features of the significant interiors and exteriors. 198-200 Pitt Street and 202-204 Pitt Street were commissioned and shaped for club purposes and ongoing club occupation is the highest and best use for these buildings.
- (e) The tower presents opportunities to relocate intrusive club uses to the proposed new fabric in the tower podium to facilitate optimal conservation of significant interiors. It also provides an economic model to support the ongoing occupation of the site by the club. This is a potentially positive heritage outcome that can be balanced against potential for negative impacts.

*Cantilever to the south over 202-204 Pitt Street*

- (a) The amended podium and tower design provides an envelope that is clearly read as rising from within 198-200 Pitt and serviced by the new intervention at 196 Pitt Street. The resulting north-south dimension to the envelope provides for a better relationship to the scale and subdivision pattern, as indicated in Figure 39 and 40 below.
- (b) The reduced podium width and relatively minor cantilever of the tower element occurs at a high elevation have an acceptable heritage impact, subject to a condition requiring the podium to be visually recessive and the cantilever design to be articulated and finished to minimise any visual impacts to the heritage items below.

*Adaptive reuse and conservation of 194 Pitt Street*

- (a) The proposed works are acceptable. This building is of moderate significance internally with a high significance Pitt Street elevation. Details for the conservation and reuse of this building would require resolution as part of any subsequent detailed design development application.

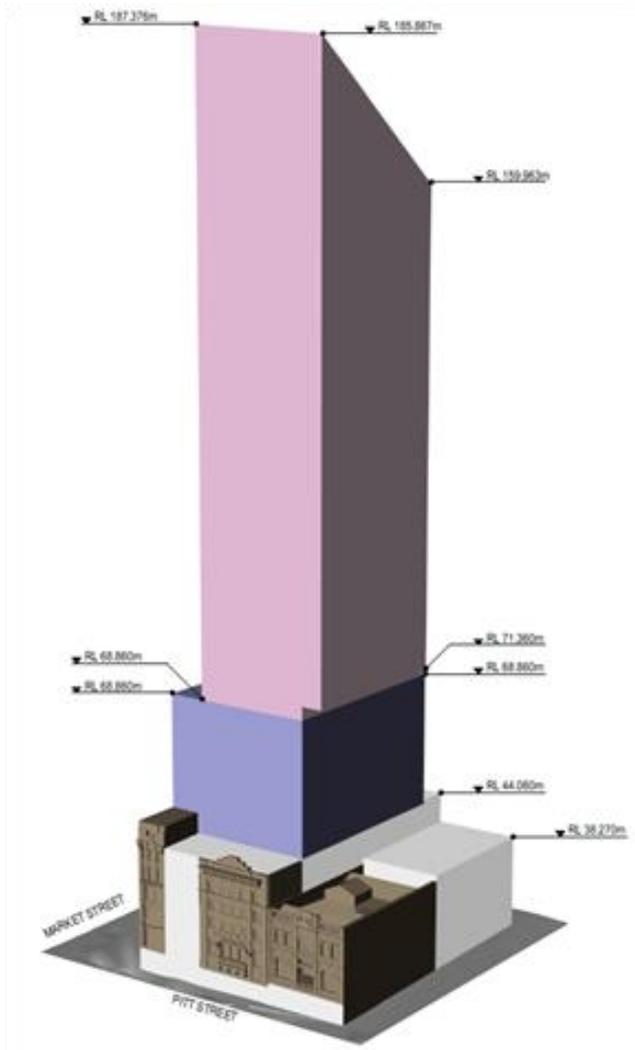


Figure 39: Envelope axonometric view extract, looking north-east.

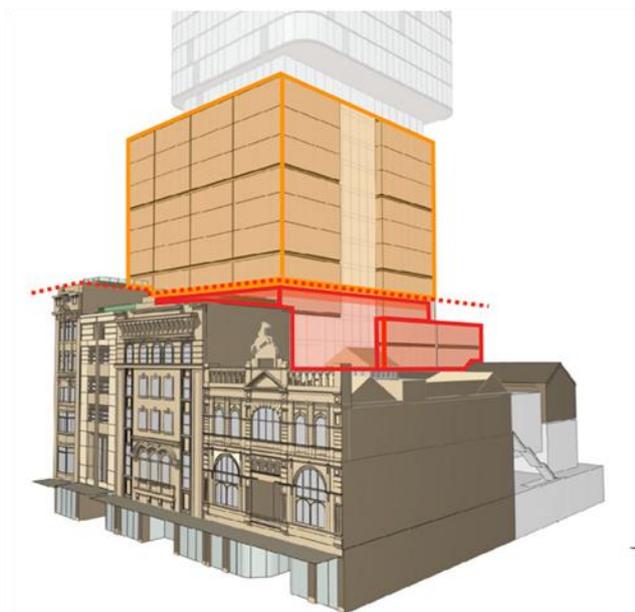


Figure 40: Indicative axonometric view extract, looking north-east.

*Demolition and replacement of 196 Pitt Street*

- (a) Demolition and replacement of the intrusive building at 196 Pitt Street is acceptable provided:
  - (i) The use of this part of the site is optimised to reduce heritage impacts on the other three buildings in the group; and
  - (ii) The detailed design of the Pitt Street facade is of a sandstone/masonry character that complements the conserved significant elevations of 194, 198 and 202-204 Pitt Street.

*198-200 Pitt Street: Building over and under and conservation of significant interiors*

- (a) The ground floor Club Room is of high significance and the Celebrity Room above has the potential to be conserved to restore its former interior features. They must be retained and conserved.
- (b) The structural solution for the proposed tower is to insert new columns into existing degraded light wells to the east and west of these spaces to support trussed spans that will carry the tower and its podium over these spaces.
- (c) This solution is technically possible and can have an acceptable heritage impact, however, it is a high risk and high cost structure and its commercial viability requires testing. Any intrusive structural interventions into these significant interiors would not be acceptable if proposed in any detailed design development application.

*198-200 Pitt Street: Internal demolition of the central section of 198 Pitt Street*

- (a) This part of the building is much changed from the original fabric and the interiors as largely graded as neutral although the existing structure and columns are graded moderate.
- (b) Intervention in this part of the building can deliver services and vertical circulation to the more significant interiors of the building.

*202-204 Pitt Street: Internal interventions*

- (a) This is one of the most significant heritage items on the site, with the proposed demolition and interventions primarily restoring lost or changed high significance spaces and fabric, which is acceptable.
- (b) The proposed raising of the former billiard room at the eastern end of this site is acceptable as it would retain a high significance structure and interior, while improving poor internal circulation.

*External conservation of retained external fabric including building facades*

- (a) The full conservation of retained fabric is essential and would require resolution and detailed schedules of conservation works in any subsequent detailed design development application.

*Introduction of new services to all heritage items on the site.*

- (a) Detailed resolution of the scope, nature and impacts of new services will be required in any subsequent detailed design development application. As discussed above, all new major services lifts, fires stairs and the like must be placed in the new structure in order to minimise impacts to the fabric and form of the heritage items.

*Conclusion*

- (a) The proposed tower envelope has impacts on the fabric of 198-200 Pitt Street and to the setting of all three heritage items. It removes a large proportion of the original structure of 198-200 Pitt Street and gives rise to structural risk to the remaining significant fabric of this building and the adjacent heritage buildings.
  - (b) These negative impacts are balanced by potential positive heritage outcomes, including:
    - (i) Re-construction and conservation of remaining significant interiors and exteriors;
    - (ii) Conservation of the external form and roof scape of 202-204 Pitt Street;
    - (iii) Location of intrusive services and structures outside the heritage items; and
    - (iv) Continuation of the site's long-term historic use as the City Tattersall's Club.
  - (c) A successful resolution of the potential impacts will be dependent on the formulation of the design brief for any subsequent design excellence competition and detailed design development application.
89. Although the proposal entails extensive works on the site, on balance it can be supported, subject to the range of recommended heritage conditions included in Attachment A to this report.

### **Heritage committee**

90. The provisions of Section 3.9.4 of the Sydney DCP 2012 require that for a development a site containing more than one heritage item a heritage committee should be appointed where a development involves:
- (a) Demolition that will result in a reduction of the building envelope of the heritage item by more than 35%;
  - (b) An increase in the size of the building envelope of the heritage item by more than 20%; or
  - (c) Building over more than 20% of a heritage item's building footprint within the airspace above the item, but not within the airspace next to the item..

91. In this instance, a heritage committee is not required to be established for this application in the specific circumstances of the proposal, given:
- (a) A heritage committee was previously established during the assessment of the previous development application D/2015/1214 for the concept redevelopment of the site, which recommended that:
    - (i) A development facilitating the ongoing operation of the City Tattersalls Club on the site is supported; and
    - (ii) The incorporation of a tower form and a podium on the site is accepted in principle;
  - (b) There has been an extensive pre-development application process, including numerous heritage workshops and public consultation, as detailed elsewhere in this report;
  - (c) A competitive design process and subsequent detailed design development application are required, which will also be subject to the provisions of Section 3.9.4 of the Sydney DCP 2012 and the relaxation of the controls for the proposal will not constrain the appointment of a future heritage committee, where it is considered necessary;
  - (d) The City's Urban Design and Heritage Manager considers there is little benefit in appointing a heritage committee for the proposal, in light of the matters outlined above; and
  - (e) A written request provided pursuant to Section 1.1 of the Sydney DCP 2012 to vary the requirements of Section 3.9.4 of the Sydney DCP 2012 was reviewed and is supported by City planning staff.

### **Transport, freight and servicing**

92. The subject site is significantly constrained in relation to transport, freight and servicing considerations, in light of the following:
- (a) Its location on, and narrow available frontage to Pitt Street, a north-bound one-way local road in the Sydney Central Business District, which carries approximately 4,000 vehicles per day,
  - (b) Its location in proximity to the signalised intersection with Market Street, a busy west-bound one-way secondary road;
  - (c) Existing pedestrian volumes along Pitt Street within the locality ranging between peak volumes of up to approximately 1,500 to 2,600 pedestrians per hour, which are predicted to appreciably increase with the operation of the future Sydney Metro;
  - (d) Heritage listings of three of the four buildings described above;
  - (e) The location of the Sydney Metro tunnel reserves below and adjacent to the site;
  - (f) The lack of any existing on-site loading facilities, with all existing loading activities currently occurring on Pitt Street;

- (g) Inability to accommodate on-site pick-up and drop-off or coach parking for the indicative hotel use; and
  - (h) Inability to provide alternate vehicle access via adjoining sites.
93. The site is well served by existing and planned public and private transport infrastructure in the locality, including on-street parking and loading zones, bus and taxi zones, bus routes, bicycle lanes and light, heavy and metro rail stations.
94. The indicative concept design scheme proposes:
- (a) No general vehicle parking on site;
  - (b) 341 bicycle parking spaces; and
  - (c) Four loading bays within basement level 1, with ground floor vehicle access from Pitt Street from a 4.8 metre wide driveway, facilitated by the demolition of 196 Pitt Street, as indicated in Figures 41 and 42 below.
95. The indicative vehicle access will result in the loss of one on-street car space.

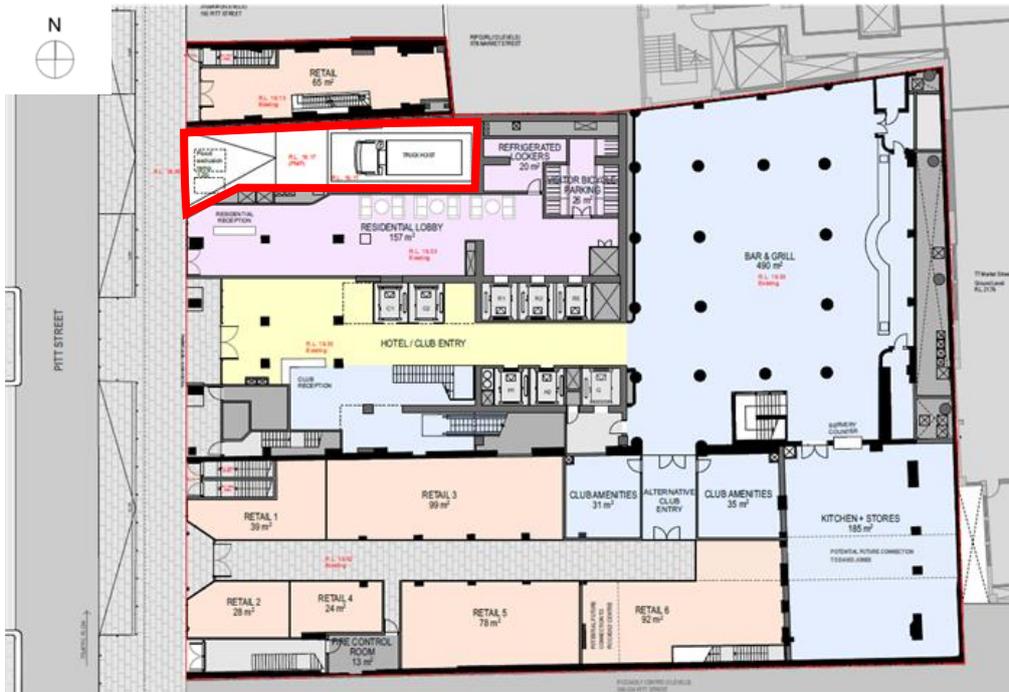


Figure 41: Indicative ground floor plan extract, with the driveway and hoist highlighted in red.

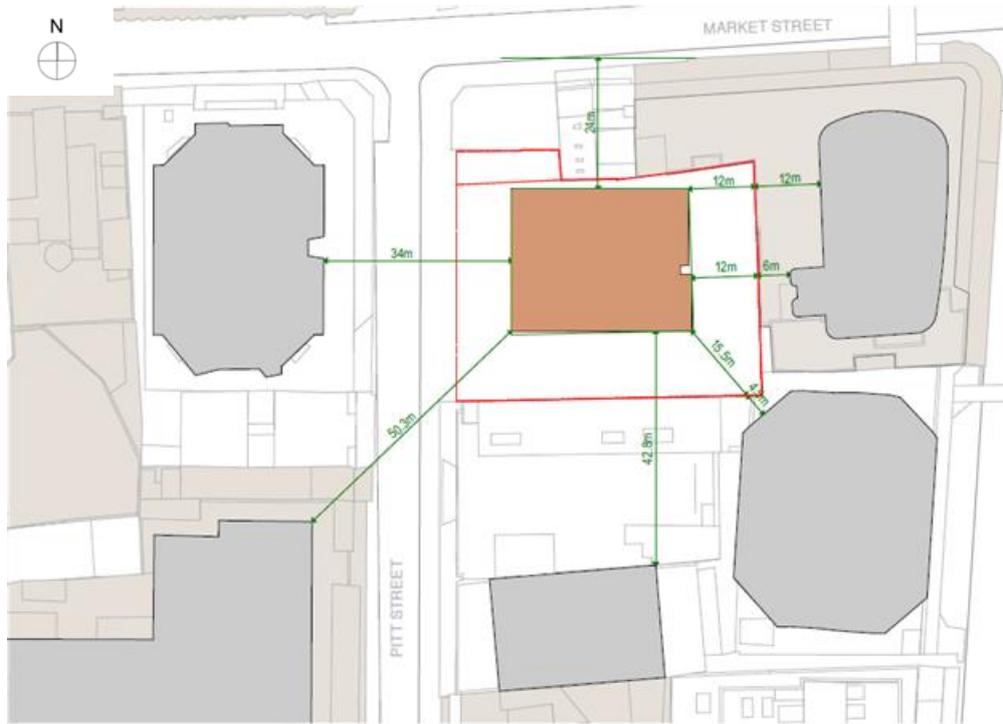


- (c) This approach is supported in principle, subject to appropriate conditions requiring an updated PoM to be submitted with any subsequent detailed design development application and noting that the continued provision of on street parking zones cannot be guaranteed into the future;
- (d) The proposed hours of operation will preclude Council collection of waste from the indicative residential component of the development. The applicant has proposed engagement of a private contractor to collect residential waste which is acceptable on balance only in the specific circumstances of the subject site, given the extremely sensitive nature of the heritage constraints outlined above and the need to mitigate against the potential for significant adverse traffic impacts during daytime peak periods;
- (e) The indicative hotel use is inconsistent Section 3.11.8 and Schedule 7.8.2 of the Sydney DCP 2012 relating to on-site coach / bus parking provision. This is acceptable however, given the existing heritage constraints subject to an appropriate condition requiring a Plan of Management to be prepared and submitted with any subsequent detailed design development application;
- (f) The site does not provide 'drop off and pick up' facilities for any of the indicative uses and a Freight and Servicing Management Plan must be prepared and submitted with any subsequent detailed design development application, including reference to the loading restrictions of the building, management of removalists and bulky goods (white goods, furniture) delivery, advice around delivery of groceries etc.;
- (g) The indicative removal of one on-street car parking bay is not recommended for approval as a part of the concept proposal, given that it would require detailed design in accordance with Roads and Maritime Services Technical Directives and referral to and approval from the City's Local Pedestrian, Cycling and Traffic Calming Committee; and
- (h) The indicative bicycle parking facilities are supported in principle, noting that bike parking numbers will be assessed in detail with any subsequent detailed design development application and an appropriate condition recommended to ensure compliance with Section 3.11.3 of the Sydney DCP 2012 and Australian Standard AS2890.3:2015.

### Setbacks

- 99. The proposed setback of the tower envelope to the northern boundary of the site ranges between approximately 1.65 and 7 metres, which deviates substantially from the applicable controls in the Sydney DCP 2012 and ADG, as depicted in Figures 43, 44 and 45 below.
- 100. Section 5.1.2.2 of the Sydney DCP 2012 requires a setback of 12 metres from side and rear boundaries for residential buildings over 45 metres in height, while the controls in the ADG require the following minimum separation distances over 9 storeys (over 25 metres) in height:
  - (a) Part 2F requires 24 metres separation between habitable rooms and balconies, 18 metres separation between habitable and non-habitable rooms and 12 metres between non-habitable rooms between buildings;

- (b) Part 3F require 12 metres building separation between habitable rooms / balconies and 6 metres between non-habitable rooms to side and rear boundaries; and
- (c) The required building separations in Part 2F and 3F are to be shared equitably between neighbouring sites.



Low-rise tower levels

**Figure 43:** Proposed building envelope setbacks and separation.



Figure 44: Indicative concept design scheme plan extract at level 14.



Figure 45: Indicative concept design scheme plan extract at level 15.

101. The applicant submits that the variance sought is justified in view of the fact that the properties to the north at 192-192A Pitt Street and 61-63 Market Street do not have any significant development potential, given that they are either:
  - (a) Too small; and/or
  - (b) Encumbered by a heritage listing.
102. Furthermore, it is posited that the recent concept approval and current detailed design development application for 65-77 Market Street (being the David Jones Market Street site) confines the new tower form to the eastern portion of that site.
103. A review of the survey plans submitted with the application demonstrates that the existing building at 61-63 Market Street has not been constructed to its maximum potential.
104. The existing building has 13 storeys, with a maximum height of RL 66.90 (AHD). Under the currently applicable height controls, including Clause 6.16 of the Sydney LEP 2012, it has the potential to be redeveloped to a height of 55 metres, or RL 74.37(AHD). This is 7.5 metres higher than the current height.
105. This would allow for the construction of at least 2 additional storeys, leaving aside any potential for an additional 10% height bonus available under Clause 6.21(7) of the Sydney LEP 2012.
106. Furthermore, the concept envelope approved for 65-77 Market Street comprises a whole floor addition to the existing building, apart from the new residential tower located on the eastern side of that site. This new floor will extend over the northern section of the site increasing its height to RL 70.67 (AHD).
107. Indicative residential uses are proposed within the northern frontage of the proposed tower on the subject site from a height of RL 68.86 (AHD). The indicative concept design scheme suggests that a number of apartments on Levels 14 and 15 will have primary windows and balconies facing the northern boundary.
108. Given the reduced setback at this side, those apartments risk losing solar access when 65-77 Market Street is constructed and the building at 61-63 Market Street is redeveloped to take advantage of the permissible height for the site.
109. This part of the proposal does not comprise a viable design option for two reasons:
  - (a) It does not acknowledge the full extent of the approved development at 65-77 Market Street; and
  - (b) It discounts the possibility of the redevelopment of the adjoining site at 61-63 Market Street to its maximum potential under the current planning controls.
110. It is evident that in the case that if one or both of these sites to the north are redeveloped, apartments at Level 14 and 15 on the northern elevation of the proposed tower will be heavily impacted.

111. An appropriate condition is recommended and included in Attachment A to this report to:
- (a) Exclude habitable rooms of any residential apartments from the northern edge of Level 14 and Level 15;
  - (b) Require apartments in these locations to address the eastern or western boundaries of the site, as appropriate; and
  - (c) Provide alternate uses, ancillary to residential apartments, such as plant areas and storage to these areas.

### **Design excellence**

112. A competitive design process is required prior to lodgement of a future detailed development application for the proposed development. Three types of competitive design processes are open to the applicant, namely:
- (a) An 'open' architectural design competition;
  - (b) An 'invited' architectural design competition; or
  - (c) An 'invited' competitive design alternatives process.
113. The applicant has chosen to undertake an 'invited' architectural design competition as the competitive design process associated with the development, with six invited competitors.
114. A Design Excellence Strategy was prepared by Ethos Urban Pty. Ltd. on behalf of ICD SB Pitt Street Pty. Ltd., a copy of which is included as Attachment E to this assessment report.
115. The competitive process will be undertaken in order to achieve an enhanced urban outcome with a building of a high design quality. In particular, the Design Excellence Strategy was developed in accordance with the objectives set out in Section 3.3 of the Sydney DCP 2012 as follows:
- (a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments;
  - (b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area; and
  - (c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.
116. The Design Excellence Strategy requires the selection of architects participating in the competitive process to be undertaken in consultation with the City.
117. Each competitor will be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003 or, in the case of interstate or overseas competitors, eligible for registration.

118. It is noted that the Design Excellence Strategy proposes exclusion of the heritage component of the development (basement levels to level 5) from the competitive design process by providing the indicative concept design scheme for these levels in the competition brief. This exclusion is acceptable only in the specific circumstances of the subject site, given the extremely sensitive nature of the heritage constraints outlined above.
119. The Design Excellence Strategy is therefore satisfactory and is recommended for approval as part of this concept development application.

#### **Other impacts of the development**

120. The proposal provides a building envelope capable of accommodating a future building which can achieve compliance with the Building Code of Australia (BCA).
121. The proposal will have no unacceptable environmental, social or economic impacts on the locality, subject to imposition of the recommended conditions on consent granted by the Central Sydney Planning Committee.

#### **Suitability of the site for the development**

122. The proposal is in keeping with the desired future character for the site and locality.
123. The site is situated in the Sydney Central Business District, located amongst similar uses to that proposed and is suitable for the proposed development.

#### **Internal Referrals**

124. The application was referred to, or discussed with the following referral officers and bodies for review:
- (a) Design Advisory Panel;
  - (b) Design Excellence Unit;
  - (c) City Model Unit;
  - (d) Environmental Projects Unit;
  - (e) Cleansing and Waste Services Unit;
  - (f) Public Art Unit;
  - (g) Urban Design and Heritage Manager;
  - (h) Heritage Specialist;
  - (i) Urban Design Specialist;
  - (j) Building Approvals Unit;
  - (k) Health and Building Unit;
  - (l) Public Domain Unit;

- (m) Safe City Unit;
- (n) Specialist Surveyor;
- (o) Transport Planning Unit;
- (p) Tree Management Officer; and
- (q) Landscape Assessment Officer.

125. The revised concept proposal addresses the issues raised initially and is acceptable, subject to the recommended conditions of consent included in Attachment A.

### **External Referrals**

126. The application was referred to the following external referral bodies for review:

- (a) Transport for New South Wales (TfNSW);
- (b) Roads and Maritime Services (RMS);
- (c) Sydney Airport;
- (d) Sydney Metro;
- (e) Sydney Trains;
- (f) Sydney Water;
- (g) New South Wales Police Force;
- (h) Ausgrid; and
- (i) A qualified consultant Quantity Surveyor.

127. Comments from all the relevant external referral requirements are addressed or included in the recommended conditions of consent in Attachment A where relevant.

### **Notification, Advertising and Delegation**

128. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development requires notification and advertising. As such the original application was notified and advertised for a period of 28 days between 31 October 2018 and 29 November 2018.

129. A total of 325 properties were notified and there were two submissions received. One submission was in support of the proposal, with the other submission raising several matters of concern.

130. The amended application was notified and advertised for a period of 28 days between 24 June 2019 and 23 July 2019.

131. A total of 325 properties were notified and one submission was received in support of the proposal.

132. The concerns raised in the objection referred to above are summarised and addressed below.

*Future viability of development at 222 Pitt Street (aka Piccadilly Centre)*

- (a) It is requested that any impacts of the proposal which may adversely affect the future redevelopment of the adjoining site at 222 Pitt Street, Sydney, including acknowledging that any new views created to the south-east will be temporary and that consideration is given to the impact on viability of certain land uses, including appropriate facade treatments and setbacks so as to not unduly constrain a larger commercial tower footprint.

**Response** - Noted. As discussed elsewhere in this assessment report, the proposed setbacks to the new development on the subject site are acceptable and the tower form will not unreasonably constrain development on the site referred to above, subject to the conditions included in Attachment A.

*Connectivity to adjoining sites*

- (b) The indicative concept design scheme includes references to potential future connections to the adjoining sites. These connections should not be approved or relied upon as a part any development consent granted by the Central Sydney Planning Committee and it should be made clear that any connections are only a potential.

**Response** - Noted. No consent or approval for these potential connections are recommended or implied, nor is the indicative concept design scheme recommended to form a part of any consent granted by the Central Sydney Planning Committee.

*Deliveries, drop off and pick up and waste arrangements*

- (c) The Pitt Street pedestrian and vehicle environment will be impacted by the proposal, including drop off and pick up arrangements for hotel visitors and guests and by loading and garbage collection arrangements. Appropriate consideration should be given to these matters, including the imposition of conditions requiring further assessment and appropriate management.

**Response** - As discussed elsewhere in this report, appropriate conditions are included in Attachment A requiring an updated Plan of Management, Freight and Servicing Management Plan, Waste Management Plan and waste facilities, as recommended by Transport for New South Wales and the City's Transport Planning Unit.

## **Airports Act 1996**

133. Section 182 of the Airports Act, 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a 'controlled activity'.
134. Clause 6(1) of the Civil Aviation (Building Control) Regulations 1988 identify that 'prescribed airspace' includes 'the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport'.

135. The Outer Horizontal Surface of the OLS above the subject site is at a height of 156 metres above the Australian Height Datum (AHD) and the prescribed airspace above the site commences at RL156 AHD. At a maximum proposed height of RL 187.4 AHD, the building will penetrate the OLS by 31.4 metres and any construction of a building to this height constitutes a 'controlled activity'.
136. Section 183 of the Airports Act, 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. Clause 14 of the Civil Aviation (Building Control) Regulations 1988 provides that a proposal to carry out a controlled activity must be approved unless carrying out the controlled activity interferes with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned. Clause 14(1)(b) provides that an approval may be granted subject to conditions.
137. Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities, and impose conditions on the approval. The Director, Airport Safeguarding Aviation and Airports Division, as the delegate of the Secretary for the purposes of the Regulations, provided approval for the controlled activity on 7 December 2018. The amended application received by the City on 17 June 2019 did not alter the overall height of the envelope and the approval continues to apply to the proposal.

### **Public Interest**

138. The proposal will have no significant detrimental effect on the public interest, subject to the recommended conditions of consent included in Attachment A to the subject report.

### **Financial Implications**

#### **Section 61 Contributions**

139. The development is exempt from the provisions of Central Sydney (Section 61) Contributions Plan 2003 as the proposal is for a concept building envelope. Section 61 contributions are applicable to any future detailed design development application.

### **Relevant Legislation**

140. The Environmental Planning and Assessment Act, 1979.
141. City of Sydney Act, 1988.
142. Road Act, 1993.
143. Airports Act, 1996.

## Conclusion

144. The proposed concept development is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012, the Sydney DCP 2012, SEPP 65 and the ADG.
145. Proposed variations to controls in the Sydney DCP 2012 and ADG are generally acceptable and identified in the report. The proposal was amended to address Council's concerns relating to heritage conservation, transport, traffic and servicing and compliance with the ADG and to improve residential amenity. The amended proposal is satisfactory, subject to the recommended conditions of consent included in Attachment A.
146. The proposed building envelope is compliant with the applicable height control. The envelope does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding the site.
147. The indicative concept design scheme submitted with the application adequately demonstrates that an acceptable level of amenity could be achieved for dwellings within the proposed tower form.
148. The potential impacts on the heritage significance of the heritage items located on the site are generally acceptable, subject to conditions.
149. Where the assessment of the subject proposal has identified potential issues for a future detailed design development application, such as heritage conservation, vehicle access and servicing, these matters are identified in the recommended conditions of consent as requiring further consideration.
150. The proposal will provide for new residential, retail and hotel accommodation uses and retention of the existing club use in the Sydney Central Business District, on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.
151. Subject to the recommendations in this report, and the imposition of the proposed conditions, the proposal is capable of accommodating a future detailed design that responds to the constraints of the site and contributes to the existing and desired future character of the locality.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

David Reynolds, Senior Planner