

Item 5.**Section 4.56(1) Application - 371-375 Pitt Street, Sydney - D/2017/920/B**

File No.: D/2017/920/B

Summary

Date of Submission:	The application was lodged on 14 April 2020.
Applicant:	Sydney Redevelopments 1 Pty Ltd
Architect/Designer:	Crone Architects
Developer:	Sydney Redevelopments 1 Pty Ltd
Owner:	Sydney Redevelopments 1 Pty Ltd
Cost of Works:	\$0
Zoning:	B8 Metropolitan Centre - the proposal is permissible with consent.
Proposal Summary:	<p>The application is a Section 4.56(1) modification to amend a Stage 1 consent for a 34-storey building envelope with indicative retail and hotel uses. The application seeks consent to amend the approved building envelope. Specifically, the modification seeks to alter the east and west tower setbacks.</p> <p>A separate and concurrent Stage 2 DA has been lodged and the amendments to the subject Stage 1 application will allow both applications to 'align' in terms of the siting of the proposed development.</p> <p>The application was notified and advertised for 21 days between 12 May 2020 and 3 June 2020 in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. No submissions were received.</p> <p>Overall, the development as proposed to be modified is substantially the same as that originally approved, and the changes to the approved building envelope are considered appropriate and are not likely to impact the overall use of the building nor the amenity of surrounding sites.</p>

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

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979
 - (ii) State Environmental Planning Policy No. 55 - Remediation of Land
 - (iii) State Environmental Planning Policy (Infrastructure) 2007
 - (iv) Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - (v) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
 - (vi) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
 - (vii) Central Sydney Development Contributions Plan 2013

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings
 - C. Architectural Design Competition Report
 - D. Overshadowing Assessment

Recommendation

It is resolved that consent be granted to Section 4.56(1) Application No. D/2017/920/A subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2017/920 dated 12 July 2017 and the following drawings:

Drawing Number	Architect	Date
DA1.02, P6	marchesepartners	21.12.2017
DA2.01, P6	marchesepartners	21.12.2017
DA2.02, P6	marchesepartners	21.12.2017
DA2.03, P6	marchesepartners	21.12.2017
DA2.04, P6	marchesepartners	21.12.2017
DA2.05, P6	marchesepartners	21.12.2017
DA2.06, P6	marchesepartners	21.12.2017
DA2.07, P6	marchesepartners	21.12.2017
DA2.08, P6	marchesepartners	21.12.2017
DA2.09, P6	marchesepartners	21.12.2017
<i>S1 DA-1.02</i>	<i>Crone</i>	<i>14.02.2020</i>
<i>S1 DA-2.01</i>	<i>Crone</i>	<i>14.02.2020</i>
<i>S1 DA-2.02</i>	<i>Crone</i>	<i>14.02.2020</i>
<i>S1 DA-2.03</i>	<i>Crone</i>	<i>14.02.2020</i>
<i>S1 DA-2.04</i>	<i>Crone</i>	<i>14.02.2020</i>

S1 DA-2.05	Crone	14.02.2020
S1 DA-2.06	Crone	14.02.2020
S1 DA-2.07	Crone	14.02.2020
S1 DA-2.08	Crone	14.02.2020
S1 DA-2.09	Crone	14.02.2020

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The application is substantially the same development as that originally approved and is consistent with Section 4.56(1)(a) of the Environmental Planning and Assessment Act 1979;
- (B) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 for the reasons set out in the report;
- (C) The changes to the approved building envelope are considered appropriate and are not likely to impact the overall use of the building nor the amenity of surrounding sites; and
- (D) The development as modified is in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lots A & B in DP 407286, and has a street address of 371 and 373-375 Pitt Street, Sydney. This site is irregular in shape, with an area of 618.9sqm. It has a 16.9m frontage to Pitt Street, and a depth of 32.8m. There is a slight fall to the south. The site contains a 3-storey building fronting Pitt Street as well as a 4-storey building located at the rear, which are separated by a hardstand area.
2. Access to the site (and adjoining sites) is provided by a private 2.97m "laneway" that adjoins the northern boundary. Various Rights of Way and Carriageway affect this lane. The majority of the lane is located within the land adjoining to the north (369 Pitt Street). However, a strip of land, 0.305m wide, is located along the northern boundary of the site (within the subject land) and the property to the north has a Right of Way over this strip. There is another Right of Way, parallel to Pitt Street and running through the centre of the site, however this Right of Way on the subject land only services the properties that are the subject of this application (and will likely be extinguished with any future site consolidation).
3. The site is not a heritage item and is not located within a heritage conservation area.
4. Surrounding development comprises a mix of uses and buildings, as follows:
 - (a) Immediately to the north of the site is a 2-storey building at 369 Pitt Street. The Right of Carriageway is contained within this site. Another Right of Carriageway continues behind this building, with another 2-storey building located on the western side of the driveway.
 - (b) Further to the north is a 5-storey building at 363-367 Pitt Street, which is currently used for retail and commercial uses. Further north is a 50-storey residential tower known as Century Tower at 343-367 Pitt Street.
 - (c) Adjoining the site to the south is a 4-storey commercial building at 377 Pitt Street.
 - (d) Further to the south is Fayworth House at 379-383 Pitt Street which is 7-storeys in height and is a locally listed heritage item ('11944'). Further south west at 114-120 Liverpool Street, is a 3-storey building comprising commercial uses. World Square and Horden Towers (comprising residential development) are also located further to the south, on the southern side of Liverpool Street.
 - (e) The rear of the subject site shares its western boundary with 7 Central Street and 98 Liverpool Street, which is large and irregularly shaped. It contains a number of single and two storey buildings set amongst a forecourt and central yard, and is a locally listed heritage item known as Central Local Courthouse and Holding Cells ('11707'). Brickfield Place a courtyard fronting Liverpool Street is within this site and is also identified as a local heritage item '11852'. A 2-storey building is located immediately adjacent to the boundary with the subject site.

- (f) To the east across Pitt Street are 324-330 Pitt Street, 332-336 Pitt Street and 338-348 Pitt Street, 241-243, 245-247 and 249-253 Castlereagh Street, and 126-130 Liverpool Street, which currently contain commercial development up to 24-storeys in height. These form a larger site known as 338 Pitt Street that has approval for Concept Development Application D/2016/1509, which was determined on 28 February 2018 for a building envelope with height of 325m (66 storeys) and indicative land uses of retail, commercial and hotel accommodation in the podium and residential uses in the tower above. A Stage 2 State Significant Development (SSD) DA is currently under assessment, which seeks to construct a 257m high mixed-use development for commercial, hotel and residential uses. This exhibition period for this SSD concluded on 17 August 2020. This SSD has been delegated to the Council for assessment and to the CSPC for determination.

5. Photos of the site and surrounds are provided below:

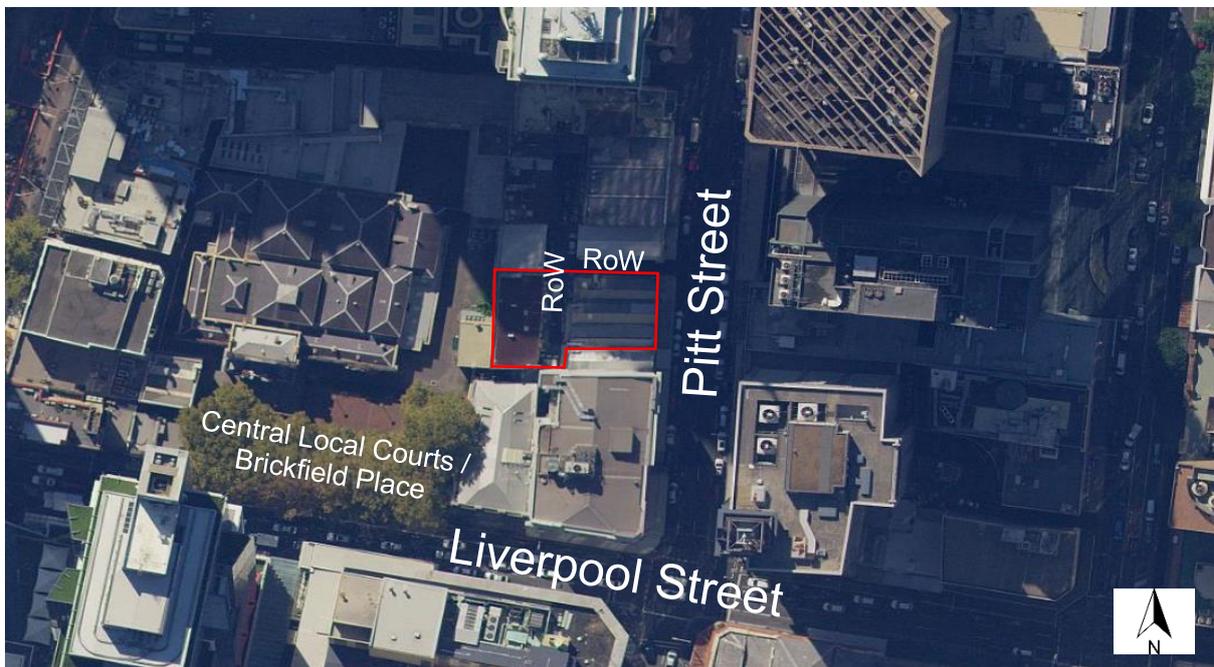


Figure 1: Aerial image of subject site and surrounding area



Figure 2: Existing Pitt Street frontage



Figure 3: Existing Right of way



Figure 4: Existing Right of way



Figure 5: Rear buildings on site



Figure 6: West side of Pitt Street, looking south



Figure 7: East side of Pitt Street, looking north

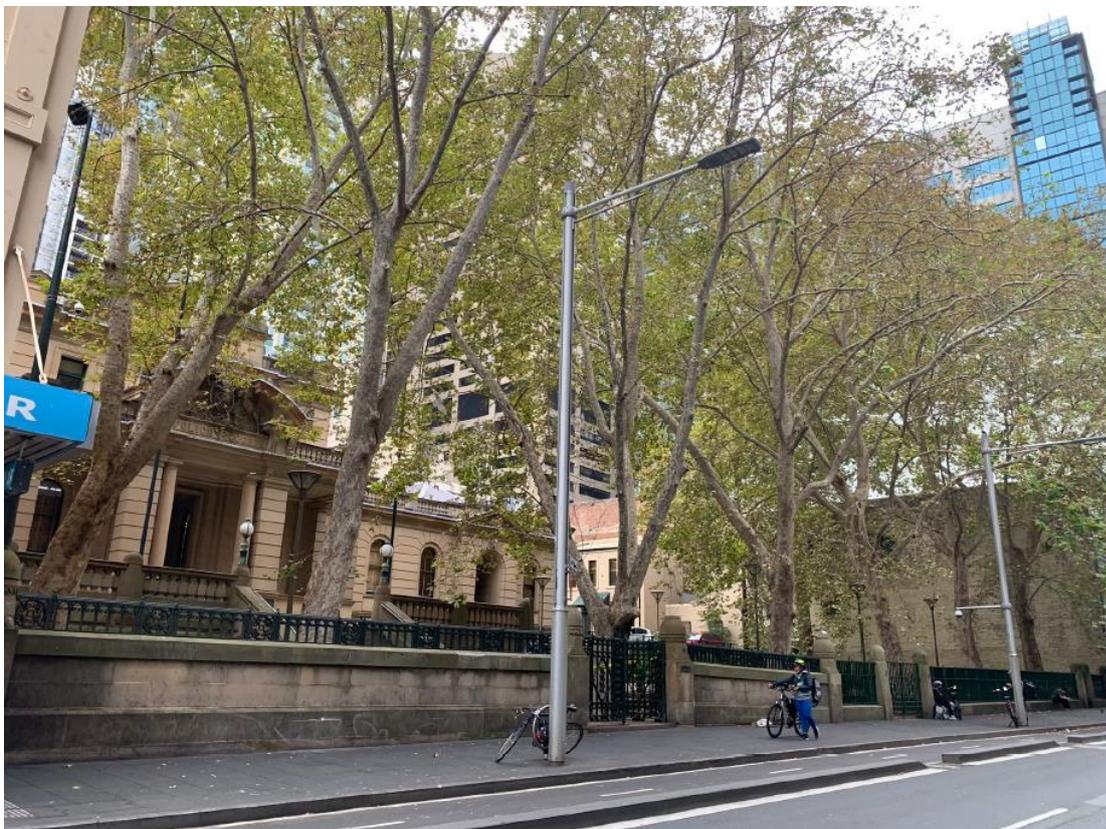


Figure 8: View to site from state heritage item Central Local Courts and Brickfield Place



Figure 9: View to site from state heritage item Central Local Courts and Brickfield Place

Proposal

6. The application seeks consent to modify the Concept Approval D/2017/920 to reflect the detailed design application. The Stage 2 development application is also presented to this Central Sydney Planning Committee meeting for consideration.
7. The modification seeks to amend the approved building envelope of the Concept DA approval, as follows:
 - (a) Straightening the eastern (Pitt Street) elevation of the tower so that the tower floorplate is more 'regular' by being perpendicular to the northern laneway boundary, resulting in an increase of the street setback at the northern end of the eastern facade from 8m to 8.4m as well as a decrease at the southern end of the eastern facade from 8m to 7.6m.
 - (b) Reducing the extent of the tower envelope at the rear by removing the 'kink', resulting in an increased setback of 4.2m from the rear boundary at the southern end of the western facade.
8. Plans of the proposed development are provided below, and also at Attachment B.

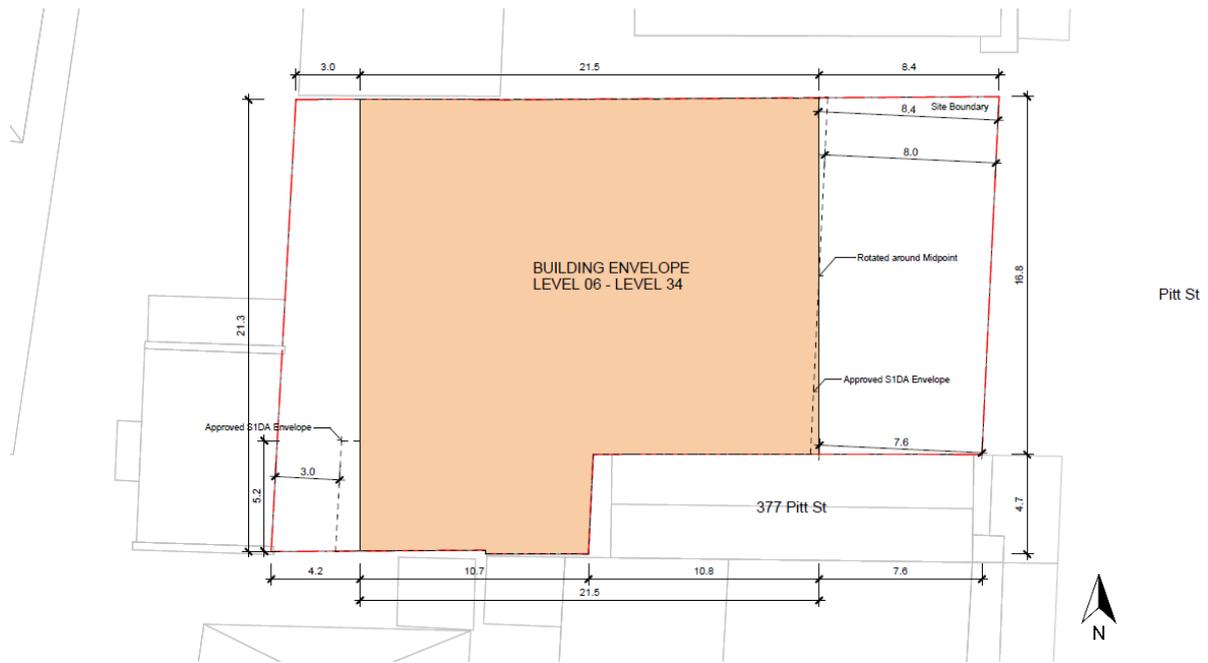


Figure 10: General building envelope showing modified setbacks sought

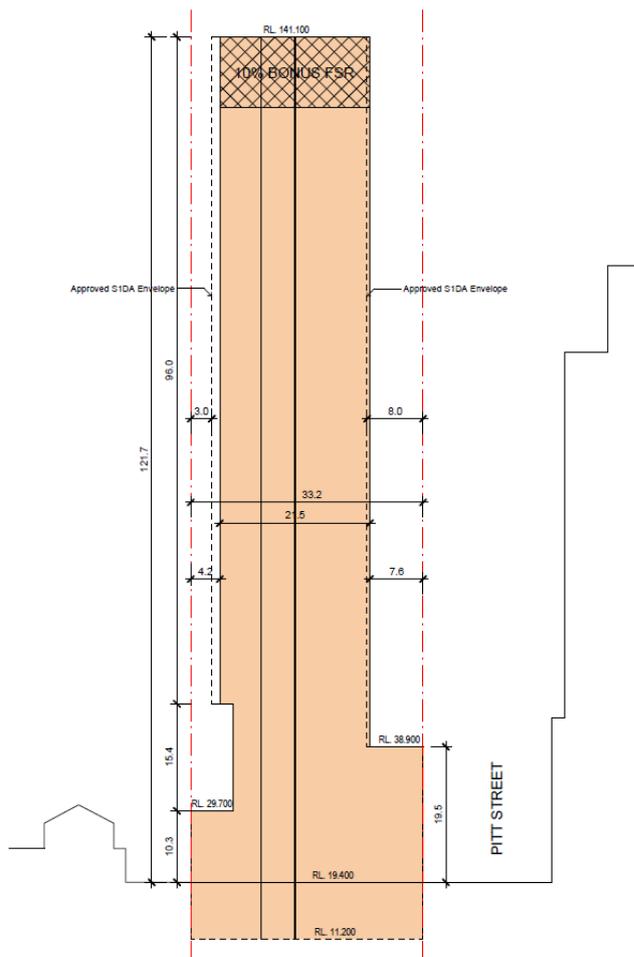


Figure 11: South elevation building envelope

History Relevant to the Development Application

Stage 1 Approval

9. On 16 February 2018, development consent D/2017/970 was granted by Section 34 agreement in Land and Environment Court proceedings for a 34-storey building envelope comprising indicative retail and hotel uses.

Competitive Design Process

10. Following the Stage 1 consent, an architectural design competition was held. Six architectural firms submitted a design proposal.
11. The competition resulted in the Crone Architects design being selected as the winning scheme on 27 November 2019, following presentations and jury deliberations. The Jury of the design competition resolved that the Crone Architects scheme best demonstrated the ability to achieve design excellence as per Clause 6.21 of the Sydney LEP 2012 and the architectural design competition Brief requirements.
12. The Jury identified several areas of the proposal that required further design development, including the investigation of the possibility of straightening the eastern elevation of the tower to create a rectangular floorplate, subject to demonstrating that overshadowing complies with the concept DA and obtaining support from the Council. As identified in the Proposal section above, this suggested straightening of the eastern tower elevation forms part of this application.
13. A copy of the Architectural Design Competition Report is provided at Attachment C.

Stage 2 Application

14. A Stage 2 Development Application, D/2020/334, was lodged on 14 April 2020 for the demolition of existing buildings, excavation and remediation, and construction of a 34-storey hotel and commercial development comprising 304 hotel rooms and associated facilities, and 1 retail tenancy. That application is being presented as a separate report for the Central Sydney Planning Committee's consideration.

Economic/Social/Environmental Impacts

15. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Threshold Test and Merits Assessment

16. The development as proposed to be modified is substantially the same as that originally approved.
17. In accordance with Section 4.56(1A), an assessment against the relevant provisions of Section 4.15(1) of the Act are provided below. There were no reasons provided on the Notice of Orders for the approval.
18. The proposed changes and an assessment of their acceptability are discussed in the table below.

Modification	Assessment
<p>(a) Straightening the eastern elevation of the tower so that the tower floorplate is rectangular, resulting in an increase of the street setback at the northern end of the eastern facade from 8m to 8.4m as well as a decrease at the southern end of the eastern facade from 8m to 7.6m.</p>	<p>This modification is sought as a result of the Design Competition Jury's suggestion to investigate the possibility of straightening the eastern elevation of the tower to create a rectangular floorplate, subject to demonstrating overshadowing complies with the concept DA and obtaining support from the Council.</p> <p>An updated Overshadowing Assessment prepared by Windtech (provided at Attachment D) was submitted with the subject modification application, which provides a comparison of the subject proposal with the approved building envelope and demonstrates the following:</p> <ul style="list-style-type: none"> • The approved envelope resulted in 8 apartments in Horden Towers receiving less than 2 hours of solar access mid winter. The amended proposal results in an improved outcome with 6 apartments receiving less than the 2 hour requirement. For these 6 apartments, at least 95 minutes of direct solar access is achieved. • The approved envelope resulted in the private open spaces of 4 apartments in Horden Towers receiving less than 2 hours of direct solar access mid winter. The amended proposal results in these private open spaces now meeting the 2 hour requirement. • No additional shadows will be cast to the main living area windows as well as private open spaces of the apartments of World Tower, midwinter. <p>As demonstrated above, the amended eastern tower setback results in an improved outcome with regard to solar access impacts, when compared to the approved building envelope.</p>

Modification	Assessment
	<p>An overall weighted average setback of 8m is maintained, which is consistent with the Sydney DCP 2012 controls. The minor encroachment at the southern end will have no perceivable impact and will continue to provide a clear hierarchy between the street wall height and the tower above.</p> <p>Additionally, the realignment provides for an improved floorplate by allowing for a regular hotel room design and layout for the rooms that face Pitt Street.</p> <p>The City's Design Advisory Panel (DAP) raises no objections to this modification.</p>
<p>(b) Reducing the extent of the tower envelope at the rear by removing the 'kink', resulting in an increased setback of 4.2m from the rear boundary at the southern end of the western facade.</p>	<p>This modification results in an increased setback to a portion of its rear (western) boundary.</p> <p>This provides for a more refined presentation of the western elevation of the tower, and provides for further separation relief with its western neighbours, being the heritage items at 7 Central Street and 98 Liverpool Street.</p> <p>The deletion of the cut-out section also eliminates shadows cast to Brickfield Place, as demonstrated in the Overshadowing Assessment at Attachment D.</p>

Other Impacts of the Development

19. The proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

20. The proposal is of a nature in keeping with the overall function of the site.

Internal Referrals

21. The application was discussed with Council's Heritage and Urban Design Specialists, who advised that the proposal is acceptable subject to conditions.
22. The proposal was considered by the Design Advisory Panel on 11 June 2020. As advised above, the Panel considered the proposed changes are acceptable.
23. Where relevant, the conditions of other sections of Council are included in the recommended conditions.

External Referrals

Notification, Advertising and Delegation

24. In accordance with the Community Participation Plan 2019, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 12 May 2020 and 3 June 2020.
25. In addition, in accordance with Section 4.56(1)(c) the application was notified to each person who made a submission to the original development application, for the period specified above.
26. A total of 1265 properties were notified and no submissions were received.

Public Interest

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

S61 Contribution

28. The modification does not affect the contributions payable.

Conclusion

29. This section 4.56(1) application proposes to alter the approved building envelope to be consistent with the detailed design development application (D/2020/334). The detailed design development application is presented to the CSPC concurrently for approval.
30. The proposed modifications to the approved building envelope will ensure consistency between staged development applications for the site, as required under Section 4.24 of the Environmental Planning and Assessment Act 1979. The application is presented to the CSPC to ensure consistency with the determination of the detailed development applications.
31. The proposal modifications are in the public interest and are recommended for approval.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Mia Music, Planner