

Item 4.

Development Application: 458-466 George Street, 468-472 George Street & 49-51 Market Street, Sydney - D/2019/883

File No.: D/2019/883

Summary

Date of Submission: 13 August 2019, amended 17 August 2020

Applicant: Mr Giovanni Cirillo, Planning Lab

Architect: Candalepas Associates

Developer: The Greater Union Organisation Pty Ltd

Owner: The Greater Union Organisation Pty Ltd

Cost of Works: \$63,297,642

Zoning: The site is zoned B8 - Metropolitan Centre under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed use is defined as a "mixed use development", comprising "retail premises", "hotel accommodation", "function centre", "food and drink premises" and "entertainment facility", all of which are permissible with development consent in the zone.

Proposal Summary: Approval is sought for the demolition of the two existing buildings at 458-466 George Street and 468-472 George Street, alterations and additions to the State Theatre and former Gowings building, and construction of a new 13 storey building with a maximum height of 51.87 metres, comprising retail premises at ground and level 1, hotel accommodation uses above, including conference facilities, 72 hotel rooms, rooftop bar and terrace. Excavation and construction of 4 basement levels is also proposed, containing loading and servicing facilities, bicycle parking, end of journey facilities and building plant and services.

The proposal is an Integrated Development Application, as the State Theatre is listed on the State Heritage Register as an item of state heritage significance and approval is required from the Heritage Council of New South Wales under the Heritage Act, 1977.

Concurrence to the proposal is required from Transport for New South Wales and Sydney Trains under the State Environmental Planning Policy (Infrastructure) 2007, due to the excavation associated with the development and its proximity to the Sydney Central Business District and South East Light Rail corridor and subterranean Eastern Suburbs and North Shore rail tunnels.

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 of development complies with the maximum height control of 130 metres under Clause 4.3 of the Sydney LEP 2012.

A maximum Floor Space Ratio (FSR) of 12.92:1 is permitted under Clauses 4.4 and 6.4 of the Sydney LEP 2012, based upon the proportions of the proposed mix of land uses.

The amended application is accompanied by Gross Floor Area (GFA) calculation diagrams which demonstrate that the proposed development results in a compliant FSR of 5.77:1.

As the site is located in Central Sydney, and the site area for the development is more than 1,500 square metres in size, the proposal triggers the requirement for the preparation of a site-specific development control plan (DCP) and the undertaking of a competitive design process under the provisions of Clauses 7.20(2)(a) and 6.21(5)(a)(i) of the Sydney LEP 2012, respectively.

The applicant seeks a 'waiver' to both of these requirements. The applicant's request that these requirements are unreasonable and unnecessary in the circumstances of this application has merit in this particular case and is supported.

The proposal was amended on 17 August 2020 to address concerns raised by the City's Design Advisory Panel and Council staff. These concerns related to heritage conservation, excavation, building expression, transport and servicing, flooding and stormwater management, late night trading, waste management, public art and construction management.

The application was notified and advertised from 23 August 2019 to 21 September 2019 in accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979.

The application was renotified and readvertised between 11 December 2019 and 29 January 2020 to include the property at 458-466 George Street as a part of the development site, which had been omitted in error during the initial exhibition period.

As a result of the notification and renotification of the original proposal, there were a total of 11 submissions received, raising concerns in relation to the proposal, including inadequate assessment of the heritage significance of buildings on the site, requests for peer review and further heritage investigation and research work to be carried out, requests for the issue of interim heritage orders, retention and heritage listing of parts of the buildings, incompatible architectural design, misleading public exhibition process, lack of a site specific development control plan and competitive design process, a convoluted and confusing application process and impacts relating to a future commercial office tower.

The amended proposal was not required to be notified or advertised under Schedule 1 of the Environmental Planning and Assessment Act, 1979, or the City of Sydney Community Participation Plan, given the amendments do not result in significant additional environmental impacts.

As a result of the modifications made to the proposed development 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 acceptable with regard to 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 and Environmental Planning and Assessment Regulation 2000
- (ii) Heritage Act 1977 and Heritage Regulation 2012
- (iii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iv) Roads Act 1993 and Roads Regulation 2018
- (v) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (vi) Liquor Act 2007 and Liquor Regulation 2018

- (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 (Infrastructure)
2007 (Infrastructure SEPP)
- (ix) Sydney Harbour Regional Environmental Plan
(Sydney Harbour Catchment) 2005 (SREP 2005)
- (x) Sydney Local Environmental Plan 2012 (Sydney LEP
2012)
- (xi) Sydney Development Control Plan 2012 (Sydney
DCP 2012)
- (xii) Sydney Landscape Code Volume 2: All Development
Except for Single Dwellings
- (xiii) City of Sydney Interim Floodplain Management
Policy
- (xiv) City of Sydney Guidelines for Waste Management in
New Developments (Waste Guidelines)
- (xv) City of Sydney Public Art Policy
- (xvi) City of Sydney Public Art Strategy
- (xvii) City of Sydney Guidelines for Public Art in Private
Development
- (xviii) Central Sydney Archaeological Zoning Plan 1992
- (xix) Central Sydney Development Contributions Plan
2013
- (xx) Planning Proposal: Central Sydney 2020

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Photomontages
- D. Materials and Samples Board
- E. Demolition Drawings

Recommendation

It is resolved that:

- (A) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances of the site and the proposed development; and
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable and unnecessary in the circumstances of the site and the proposed development; and
- (C) consent be granted to Development Application Number D/2019/883 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of 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 proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (E) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The proposal will conserve the heritage significance of the State Theatre and former Gowings building in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012
- (G) The proposal does not result in additional overshadowing of the Town Hall steps, the Sydney Square or the future Town Hall Square in accordance with Clause 6.19 of the Sydney Local Environmental Plan 2012.
- (H) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (I) The proposed development has a height and form suitable for the site and its context, and subject to conditions, 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 achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (K) The proposed land uses do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Sydney Central Business District, subject to the recommended conditions.
- (L) The requirement for the preparation of a site-specific development control plan and the undertaking of a competitive design process is unreasonable and unnecessary in the specific and particular circumstances of the site and proposed development, pursuant to Clauses 7.20(3) and 6.21(6) of the Sydney Local Environmental Plan 2012.
- (M) The proposal has been granted terms of approval by Heritage New South Wales, as delegate of the Heritage Council of New South Wales, under Section 4.47 of the Environmental Planning and Assessment Act, 1979.
- (N) The proposal has been granted concurrence by Sydney Trains and Transport for New South Wales under Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007, subject to conditions which have been adopted in the recommended conditions.
- (O) 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 heritage conservation, excavation, building expression, transport and servicing, flooding and stormwater, late night trading, waste, public art and construction management.

Background

The Site

1. The site contains four parcels, identified as Lot 1 in DP 937618, Lot 1 in DP 74913, Lot 1 in DP 667918 and Lot 11 in DP 1210715. These properties are commonly known as 458-466 George Street, 468-472 George Street and 49-51 Market Street, Sydney respectively.
2. The site is located in the Sydney Central Business District and the broader City of Sydney Local Government Area, directly to the east of the Queen Victoria Building, to the north of the Hilton Hotel and Event Hospitality and Entertainment head office buildings, and to the south of the Sydney Central Plaza complex. It is located on the eastern side of George Street and the southern side of Market Street, between the intersection of George Street with Market Street to the north and Park Street to the south.
3. The site is irregular in shape and has an area of approximately 4,160 square metres, with a combined western street frontage of 75.055 metres to George Street, a 4.25 metre wide splayed corner to the intersection of George Street and Market Street, and a combined northern street frontage of 51.38 metres to Market Street. It adjoins five private properties on its other boundaries to the east, south-east and south.
4. The site is identified on the plan in Figure 1 and aerial photographs in Figure 2 and Figure 3 below, showing the location of the site and its context.



Figure 1: Plan image of the site in blue and surrounding area (subterranean Sydney Metro corridors, QVB parking and QVB - Sydney Central Plaza pedestrian links shown hatched)



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



Figure 3: Oblique aerial photograph of the site in blue and surrounding area, looking north-east

5. The site contains five buildings, ranging in height from 2 to 12 storeys in height, as follows:
 - (a) 49-51 Market Street is occupied by the State Theatre and former State Shopping Block building, and Parlour Lane;
 - (b) 452-456 George Street (part of 49-51 Market Street) is occupied by the former Gowings building;
 - (c) 458-466 George Street is occupied by the former Globe Theatre building;
 - (d) 468-472 George Street is occupied by Dudley House; and
 - (e) 474-476 George Street (part of 49-51 Market Street) is occupied by State Theatre Annex building.
6. The State Theatre and former State Shopping Block, a 12-storey building with two basement levels, was designed by Henry E. White and completed construction in 1929 as a cinema and shopping arcade. It is listed as an item of state heritage significance on the State Heritage Register (SHR Item Number 00446) and in Schedule 5 of the Sydney LEP 2012 (Item Number I1887). The building contains the State Theatre and its associated lobbies, ticketing and back of house areas within its lower levels, with the upper levels occupied by the QT hotel accessed from a ground floor level lobby and adjacent cafe fronting Market Street.
7. Parlour Lane is a private through site link which bisects the site in a dog leg, providing service vehicle access from Market Street to the north and pedestrian access to George Street to the west, albeit with the latter entrance restricted by a secure gate. It also serves as a fire egress path from the State Theatre to both George Street and Market Street. There is no easement or public right of way over the lane.
8. The former Gowings building, a 12-storey commercial building with a lower ground floor and basement level, was designed by Crawford H. Mackellar, built by John Grant and Sons for Gowings Brothers Limited and completed construction in 1929. It is listed as an item of local heritage significance in Schedule 5 of the Sydney LEP 2012 (Item Number I1789). The building contains a retail premises within the lower levels, which is currently undergoing construction works associated with development consents D/2020/98 and D/2020/306, with the upper levels occupied by the QT hotel.
9. The former Globe Theatre, a part 2 and part 3 storey building with a basement level, was designed by Robert C. Backhouse for Messers Albert and Son and completed construction in 1914 as a cinema. The building contains four ground floor retail premises and storage within the upper levels.
10. Dudley House, a 6-storey commercial building with a basement level, was designed by John B. Clamp and Crawford H. Mackellar and built by Joe Davis Limited in 1924. The building contains a ground floor retail premises, with commercial business and office premises occupying the levels above.
11. The George Street frontage of the State Theatre is occupied by a 3-storey building containing ground floor retail premises and office premises in the levels above, known as the State Theatre Annex. It forms part of the heritage curtilage of the State Theatre and former State Shopping Block building, in both the State Heritage Register and Schedule 5 of the Sydney LEP 2012 listings.

12. Figures 4 to 17 contain photographs showing the existing development on the site.

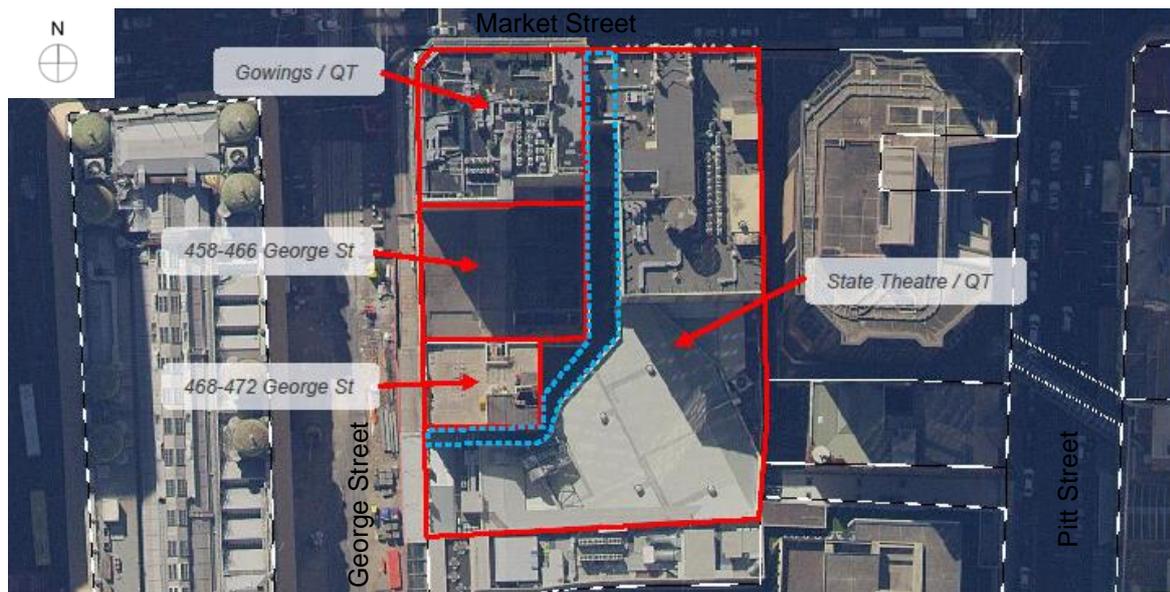


Figure 4: Extract from the 'Heritage Impact Statement' (Urbis), with an aerial photograph of the site, illustrating the site allotment boundaries in red, and Parlour Lane in blue



Figures 5 and 6: The State Theatre, viewed from the northern side of Market St (left) and former Gowings building, viewed from the western side of George St (right)



Figure 7: The ground level elevation of the State Theatre and QT Hotel lobby, viewed from the northern side of Market St



Figure 8: Market St entrance to Parlour Lane, viewed from the northern side of Market St



Figure 9: View from within Parlour Lane, looking south



Figures 10 and 11: View from within Parlour Lane, looking south toward Market St (left) and west toward George St (right)



Figure 12: The former Globe Theatre building, viewed from the western side of George St



Figure 13: The State Theatre Annex building, viewed from the western side of George St



Figure 14: George St entrance to ParLOUR Lane within the State Theatre Annex building



Figures 15 and 16: Dudley House (left) and an extract from the 'Visual Impact Assessment' (Candalepas Associates), with the Globe Theatre and Dudley House outlined in red (right)



Figure 17: Extract from the 'Visual Impact Assessment' (Candalepas Associates), with the Globe Theatre and Dudley House outlined in red (right)

The Locality

13. The surrounding area is characterised by a mixture of commercial, residential, retail, food and drink premises and tourist and visitor accommodation uses, with a wide range of built forms of varied architectural style and scale.
14. To the north of the site, on the opposite side of Market Street, are 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 tower containing a residential flat building and five listed heritage items (Item Number I1784 – Former Crystal Hotel facade, Item Numbers I1785 and I1786 – Former Farmer & Co department store facades, Item Number I787 – Former Way Building facade and awning and Item Number I1788 – Former Central Pitt building facade, all with local significance) under Schedule 5 of the Sydney LEP 2012.
15. Further to the north-east of the site is the Pitt Street Mall and 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 Number I1695 – Commercial building facade and Item Number I1696 – Former Bank of NSW facade, both with local significance) under Schedule 5 of the Sydney LEP 2012.
16. Directly to the east of the site is a 20-storey commercial office building at 55 Market Street, currently nearing completion of construction works associated with development consent D/2015/1687 (as modified) for alterations and additions to the retail podium, designed by Fender Katsalidis and constructed by Built Holdings.

17. To the south-east is an 8-storey commercial building at 249-251 Pitt Street, known as Simpson's House. This building is listed as a heritage item (Item Number I1932, local significance) under Schedule 5 of the Sydney LEP 2012. Further to the south-east is a 3-storey commercial building at 253 Pitt Street.
18. To the south at 478-480 George Street, is an 18-storey commercial office building which accommodates the Event Hospitality and Entertainment head office, designed by Candalepas Associates and completed in 2015 by Built Holdings.
19. Further to the south is the Hilton Hotel at 259 Pitt Street, which includes a 5-storey podium, 44-storey tower and a listed heritage item (Item Number I1934 – The Marble Bar interior, local significance) under Schedule 5 of the Sydney LEP 2012.
20. To the west of the site, on the opposite side of George Street, is the Queen Victoria Building, which is a State significant heritage item, listed on the State Heritage Register (SHR Item Number 01814) and under Schedule 5 of the Sydney LEP 2012 (Item Number I1783).
21. Figures 18 to 27 contain photographs which show the existing development in the vicinity.



Figures 18 and 19: Sydney Central Plaza viewed from the western side of George St (left) and Westfield Sydney viewed from the southern side of Market St (right)



Figure 20: Swissotel Hotel, viewed from the southern side of Market St

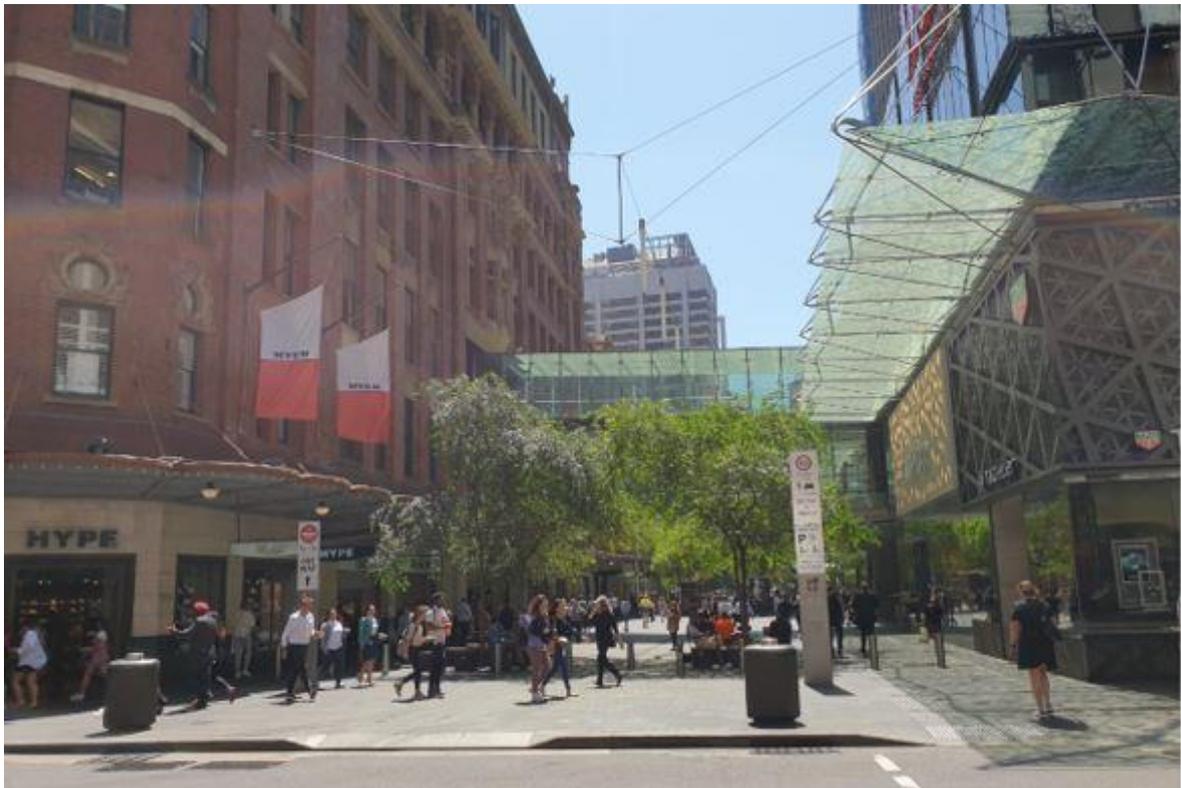


Figure 21: Pitt St Mall, viewed from the southern side of Market St



Figures 22 and 23: Commercial tower and retail podium at 55 Market St, viewed from the Pitt St Mall (left) and Simpson's House and commercial building at 253 Pitt St viewed from Pitt St (right)



Figure 24: Queen Victoria Building, viewed from the northern side of Market St



Figure 25: Hilton Hotel podium, viewed from the western side of George St



Figures 26 and 27: Hilton Hotel tower (left) and the Event Hospitality and Entertainment head office building (right) viewed from the western side of George St

Proposal

22. Approval is sought for the demolition of the two existing buildings at 458-466 George Street, Sydney, and 468-472 George Street, Sydney, construction of a new 13-storey building and alterations and additions to the State Theatre and former Gowings buildings.
23. The new building is proposed to have a maximum height of 51.87 metres and 6,073 square metres of gross floor area, comprising hotel lobby, cafe and retail premises at ground and level 1, hotel accommodation uses above, including conference facilities, level 2 bar, 72 hotel rooms, rooftop bar and terrace.
24. Excavation of the site and construction of four basement levels is also proposed, containing loading and servicing facilities, bicycle parking, end of journey facilities and building plant and services.
25. The hotel component of the development, including conference facilities and level 2 bar, is proposed to operate 24 hours per day, 7 days per week, with the cafe, retail premises, and rooftop bar proposed to operate between 7.00am and 12.00am midnight, 7 days per week.
26. In specific terms, the development comprises the following, floor by floor:

(a) Basement Level 4:

- (i) Goods lift and end of journey facilities lift;
- (ii) Fire stairs;
- (iii) Sewer pump out pit;
- (iv) Fire pump room;
- (v) Diesel fuel tank and pump room;
- (vi) Storage space;
- (vii) five hotel visitor bicycle parking spaces; and
- (viii) eight hotel, retail and theatre employee bicycle parking spaces and associated end of journey facilities.

(b) Basement Level 3:

- (i) Goods lift and end of journey facilities lift;
- (ii) Fire stairs;
- (iii) Grease arrestor and pumps;
- (iv) Cold water and rainwater recycle pumps;
- (v) Fire services tank;
- (vi) Vehicle lift pit;

- (vii) Services risers; and
- (viii) Storage space.

(c) Basement Level 2:

- (i) Vehicle lift;
- (ii) Loading dock, turntable and 2 service vehicle parking spaces;
- (iii) Goods lift and end of journey facilities lift;
- (iv) Fire stairs;
- (v) Hotel, retail and theatre waste and bulky goods rooms;
- (vi) Gas meter room;
- (vii) Main Distribution Frame room;
- (viii) Security room;
- (ix) Services risers; and
- (x) Storage space.

(d) Basement Level 1:

- (i) Vehicle lift;
- (ii) Loading dock, turntable and 1 service vehicle parking space;
- (iii) State Theatre back of house extension, door opening and fire roller shutter to the State Theatre stage;
- (iv) Goods lift and end of journey facilities lift;
- (v) Smoke lobby and fire stairs;
- (vi) Switchboard room;
- (vii) Mail room;
- (viii) Main Distribution Frame and Distributed Antenna System rooms;
- (ix) Services risers;
- (x) Storage space; and
- (xi) Void space.

(e) Ground Level:

- (i) Hotel conference facilities lobby and cafe with a total patron capacity of 20;

- (ii) Retail premises including internal stair and lift to Level 1, measuring 106 square metres to George Street;
- (iii) Entry and gate to Parlour Lane;
- (iv) Vehicle lift and roller shutter to Parlour Lane;
- (v) Fire stairs;
- (vi) Fire control room;
- (vii) Fire hydrant and sprinkler booster valves;
- (viii) Security office;
- (ix) Storeroom;
- (x) Services risers;
- (xi) Goods lift and end of journey facilities lift;
- (xii) Installation of new lifts within the existing lift shafts to the main and secondary hotel lobbies to Market Street; and
- (xiii) Void space.

(f) Level 1:

- (i) Barrel vaulted awning to George Street;
- (ii) Retail premises including internal stair and lift, measuring 213 square metres to George Street;
- (iii) OSD tank;
- (iv) Goods lift
- (v) Services risers;
- (vi) Fire stairs;
- (vii) Installation of new lifts within the existing lift shafts within the former Gowings building; and
- (viii) Void space.

(g) Level 2:

- (i) Pre-conference area and bar with a total patron capacity of 228, measuring 180 square metres;
- (ii) Radio theatre auditorium;
- (iii) Conference reception, coat store and sanitary facilities;
- (iv) Kitchen;

- (v) Stair to level 3;
- (vi) Fire stairs;
- (vii) Services risers;
- (viii) Function levels lift and goods lift;
- (ix) Refurbishment works to QT hotel reception, including new stair and openings to conference reception
- (x) Installation of new lifts within the existing lift shafts within the former Gowings building and opening through lift access to QT hotel reception; and
- (xi) Void space.

(h) Level 3:

- (i) 4 meeting rooms;
- (ii) Sanitary facilities;
- (iii) Stair from level 2;
- (iv) Fire stairs;
- (v) Storeroom;
- (vi) Services risers;
- (vii) Function levels lift and goods lift;
- (viii) Installation of new lifts within the existing lift shafts within the former Gowings building; and
- (ix) Void space.

(i) Level 4-11:

- (i) 10 hotel rooms and 1 accessible hotel room per level;
- (ii) Internal reconfiguration of 8 existing hotel rooms within the former Gowings building as circulation space and openings to the new building;
- (iii) Cleaners store;
- (iv) Fire stairs;
- (v) Services risers;
- (vi) Goods lift;
- (vii) Installation of new lifts within the existing lift shafts within the former Gowings building; and

(viii) Void space.

(j) Level 12:

- (i) Hotel bar measuring 178 square metres and external roof terrace measuring 232 square metres, a total patron capacity of 320, and a maximum capacity of 240 patrons within the external terrace area;
- (ii) Sanitary facilities;
- (iii) Kitchen;
- (iv) Keg storeroom;
- (v) Fire stairs;
- (vi) Services risers;
- (vii) Rooftop plant and equipment and screen;
- (viii) Goods lift;
- (ix) Installation of new lifts within the existing lift shafts within the former Gowings building; and
- (x) Void space.

(k) Roof

- (i) Goods lift overrun;
- (ii) Rooftop plant and equipment; and
- (iii) Metal screen to roof plant.

27. Photomontages of the proposed development, and elevation, section and plan drawings are provided in Figures 28 to 54 below.
28. These are included with the architectural drawings, photomontages, materials and samples board and demolition drawings in Attachments B, C, D and E.



Figure 28: Photomontage of the proposal, looking north-east from the western side of George St



Figure 29: Perspective George Street elevation view of the proposal



Figure 30: Detail perspective George Street elevation view of the proposal

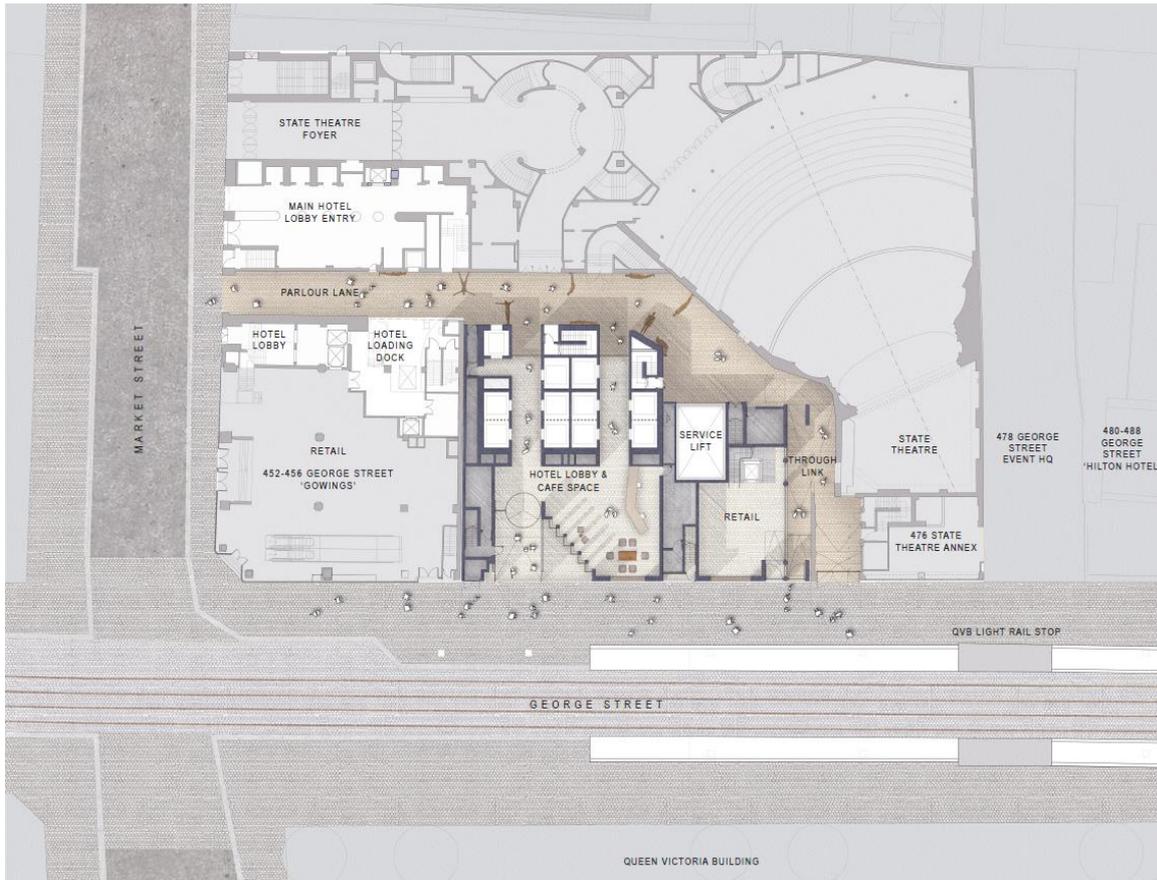


Figure 31: Ground floor plan render with annotated uses

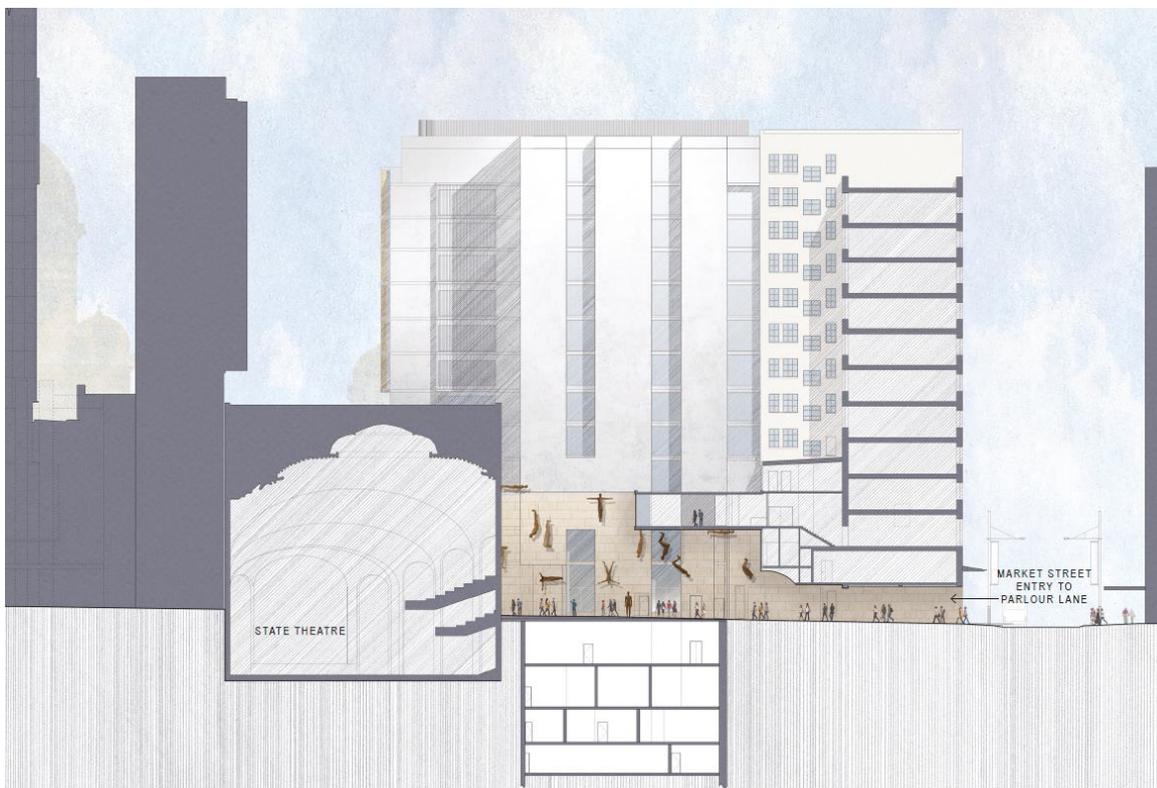


Figure 32: East (Parlour Lane) render with indicative public art

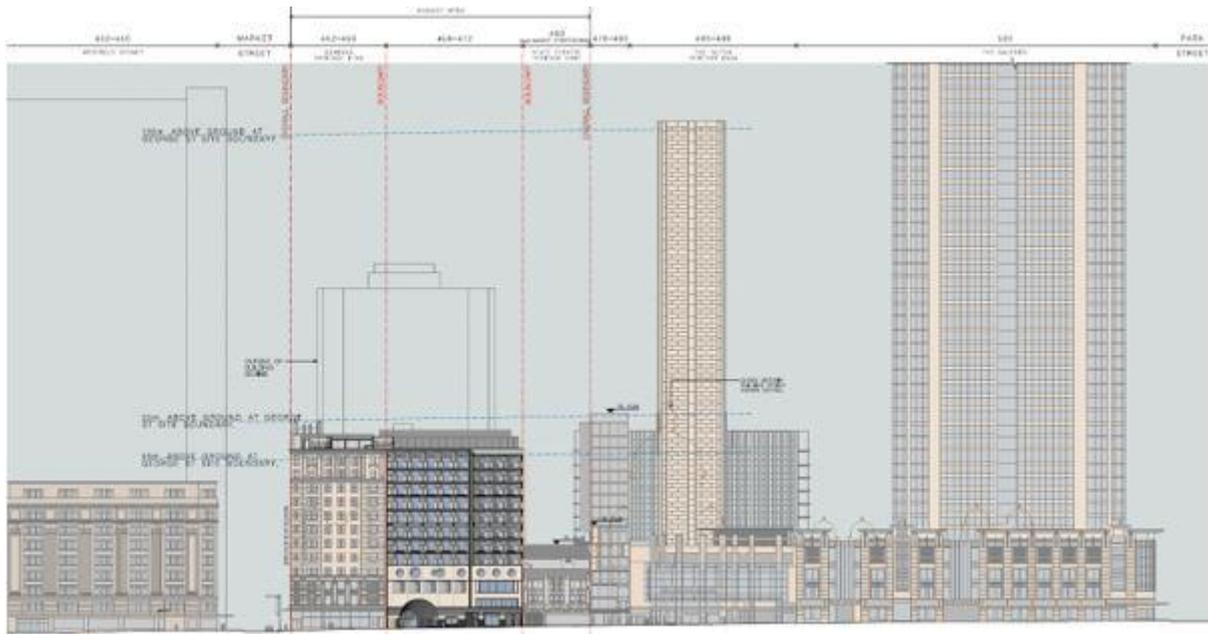


Figure 33: George Street (west) streetscape elevation

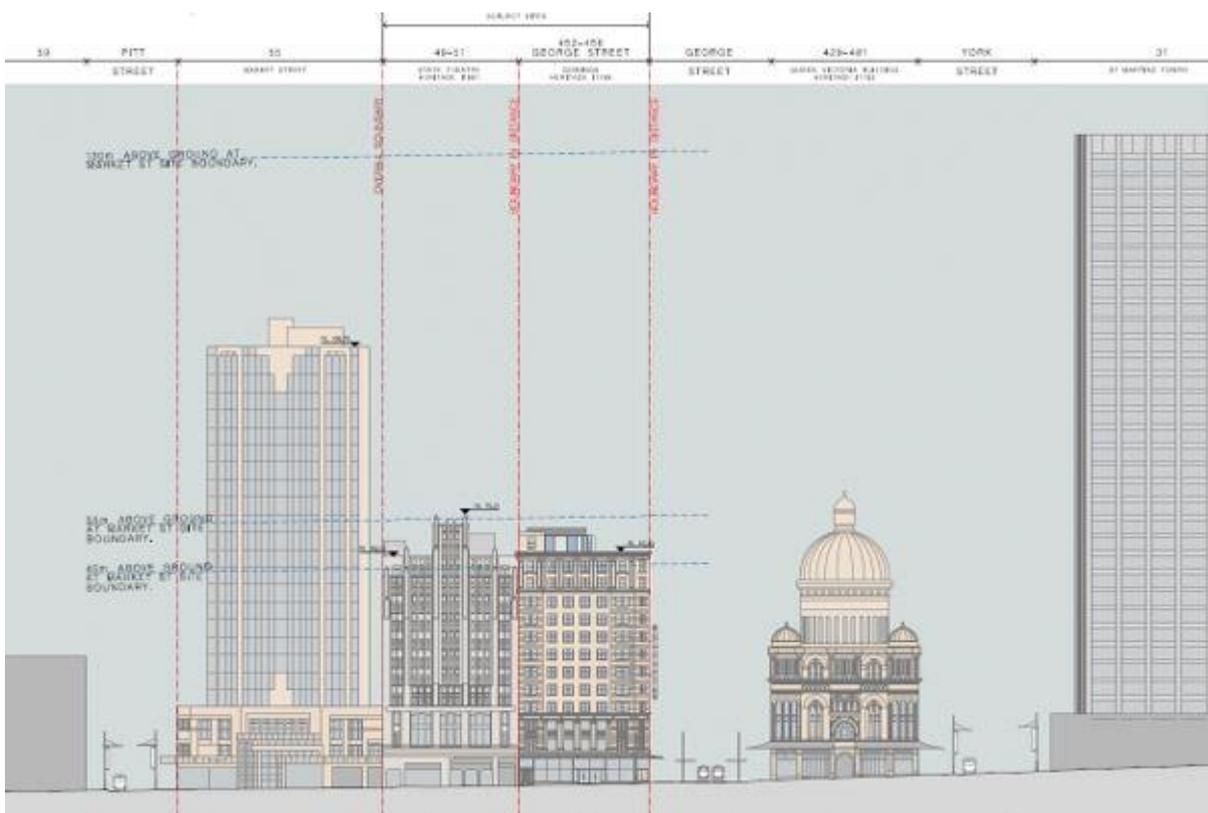


Figure 34: Market Street (north) streetscape elevation, noting that the only new works visible in this elevation is the rooftop addition setback approximately 3.5 metres from Market Street

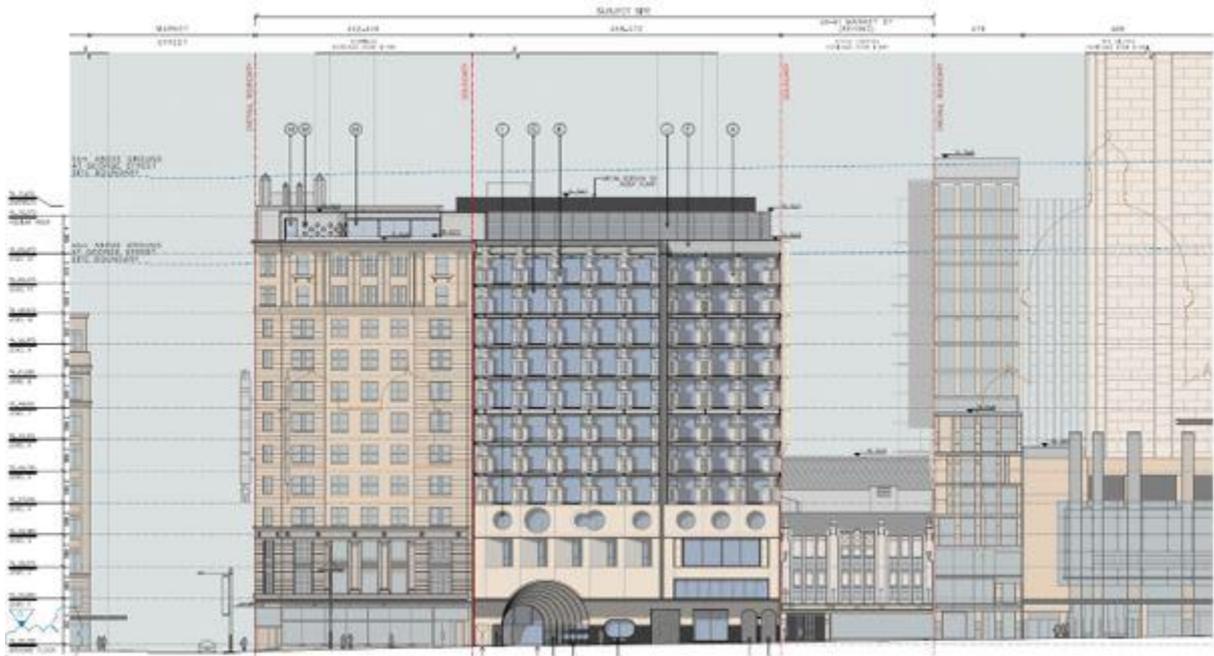


Figure 35: George Street (west) elevation



Figure 36: Parlour Lane (east) elevation

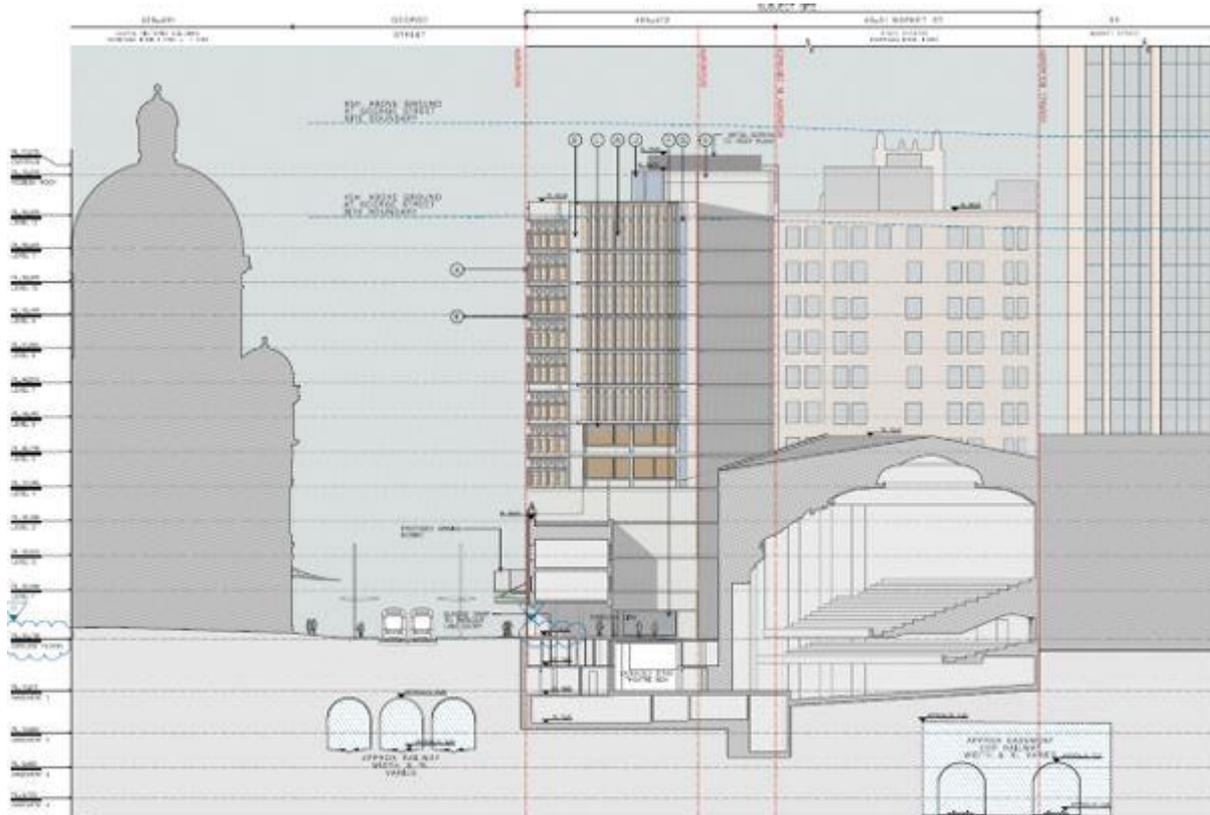


Figure 37: South elevation

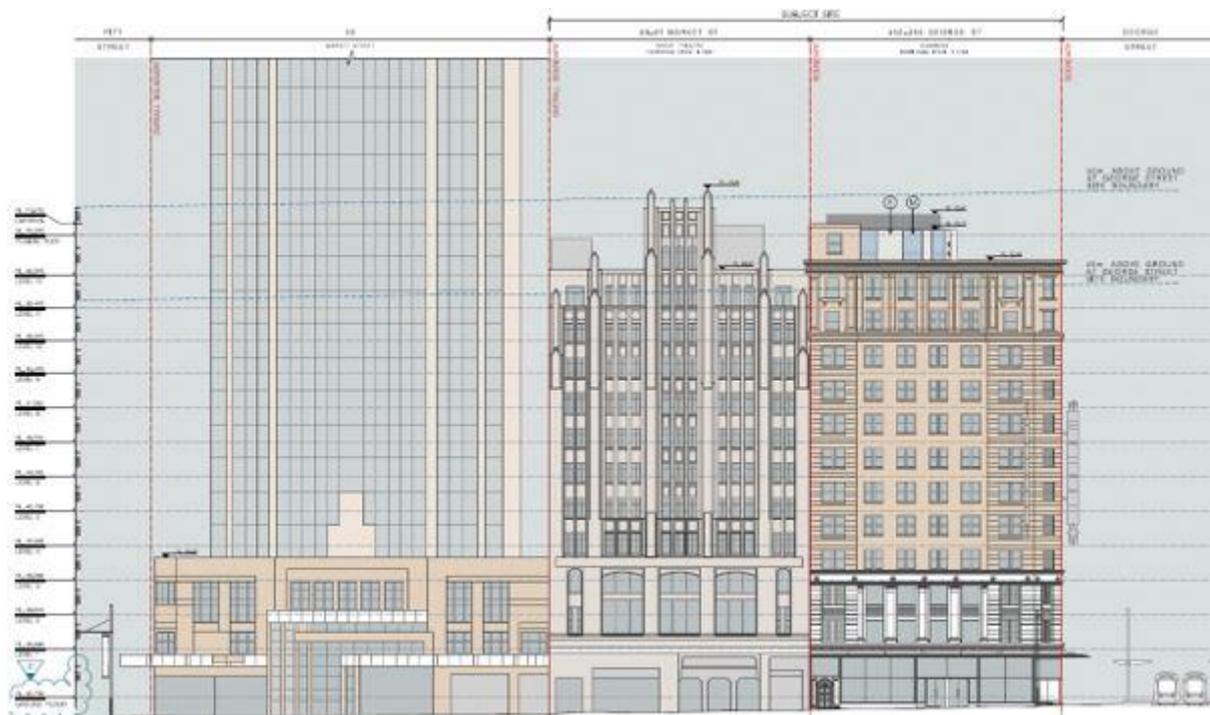


Figure 38: Market Street (north) elevation, noting that the only new works visible in this elevation is the rooftop addition, setback approximately 3.5 metres from Market Street

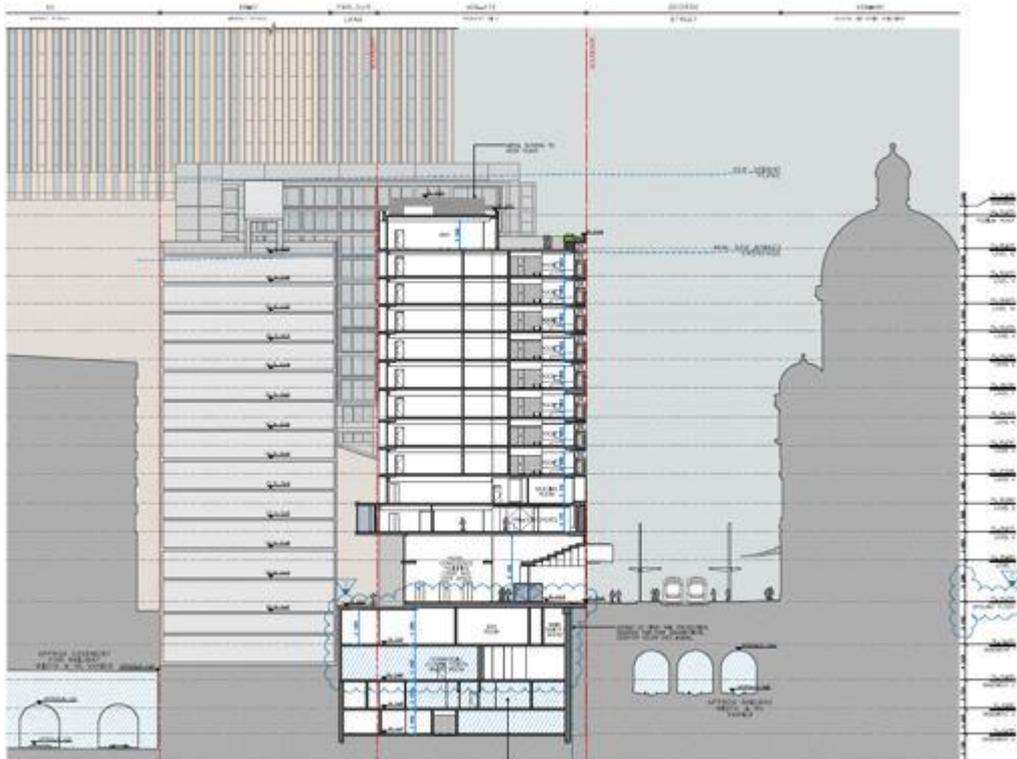


Figure 39: Proposed east-west section



Figure 40: Proposed north-south section

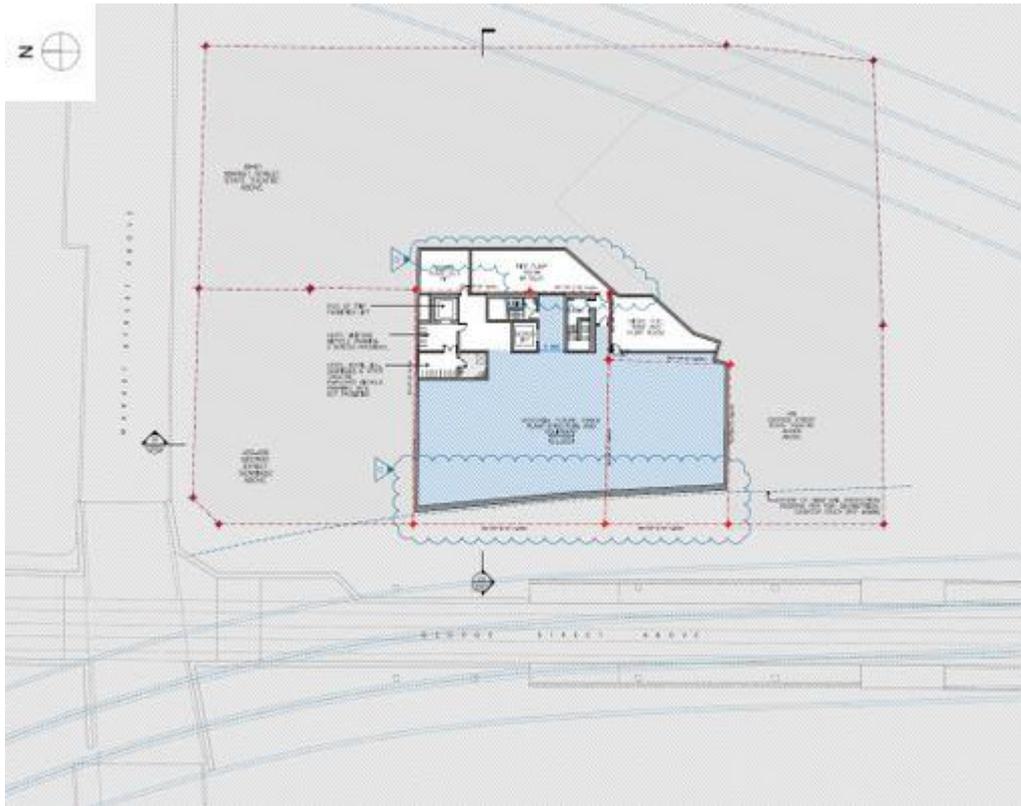


Figure 41: Basement level 4



Figure 42: Basement level 3

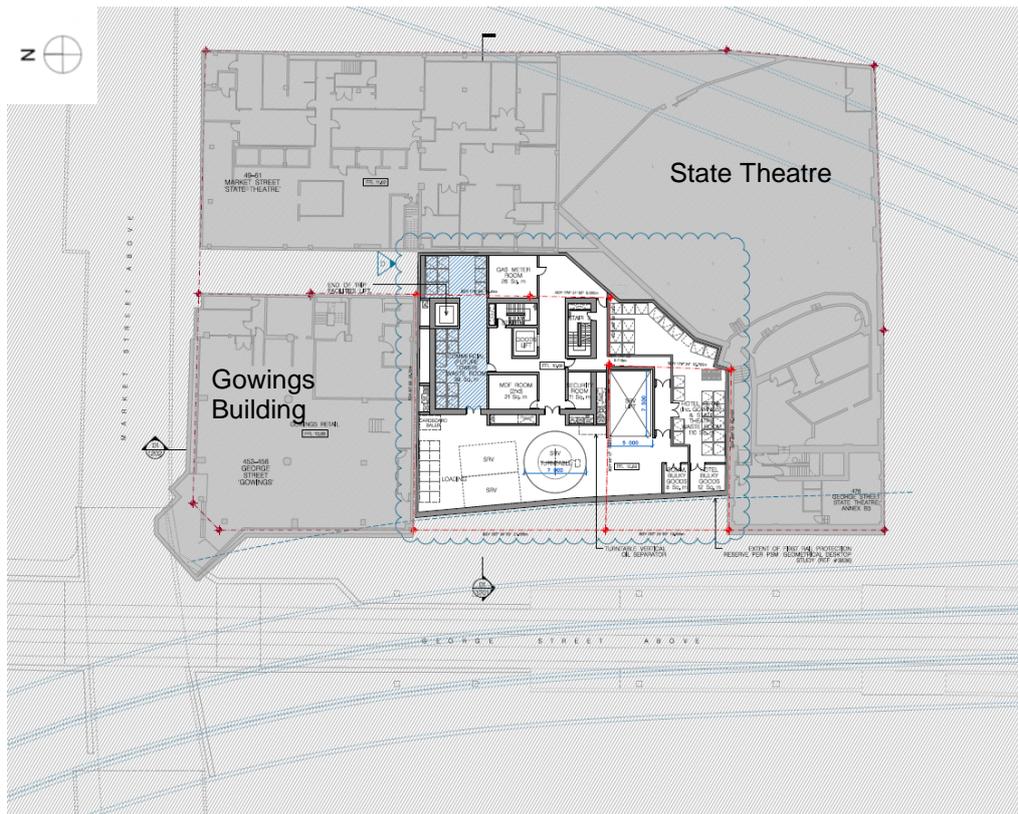


Figure 43: Basement level 2

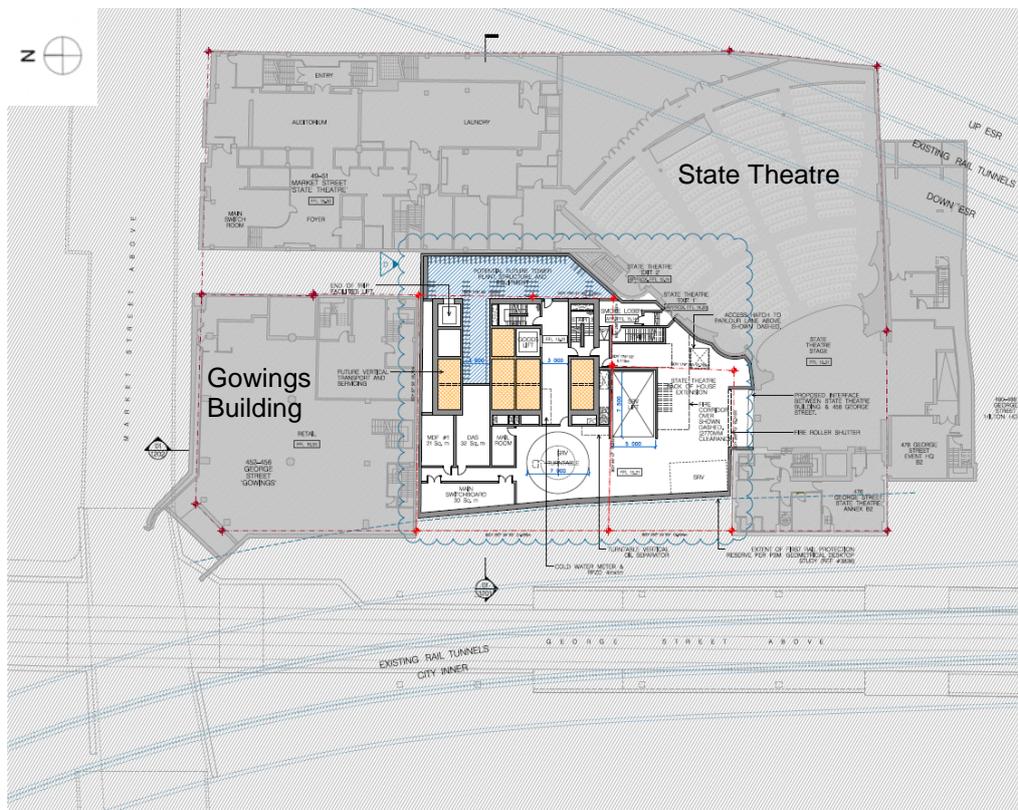


Figure 44: Basement level 1

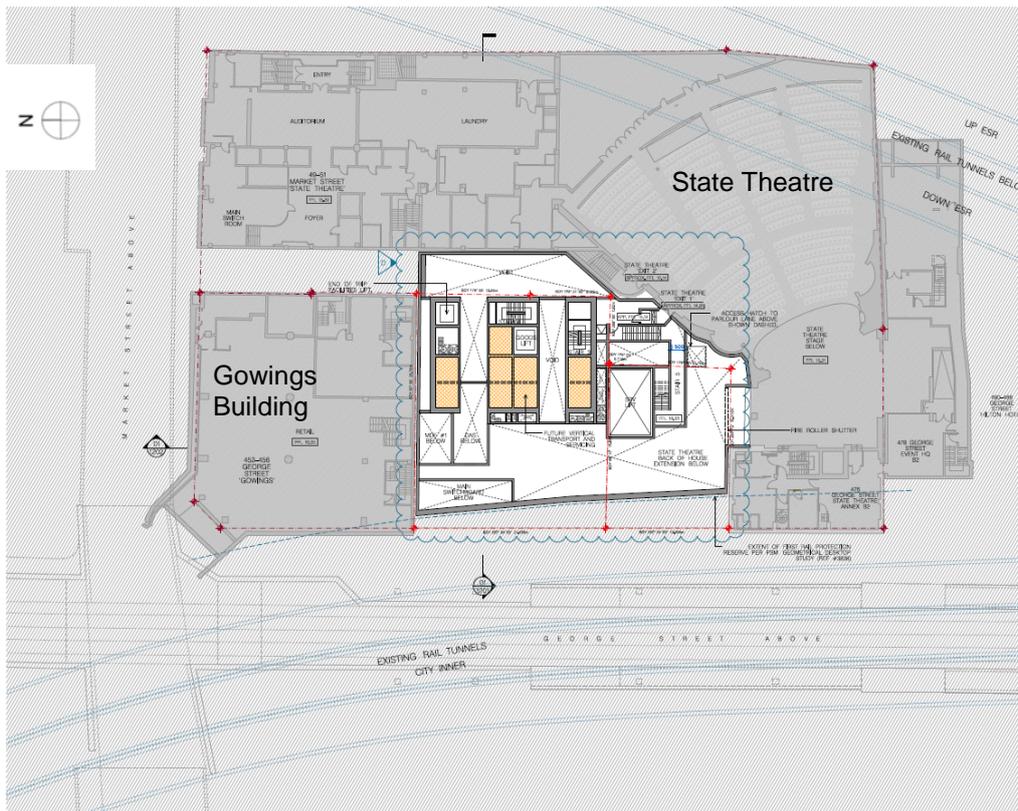


Figure 45: Basement level 1 mezzanine

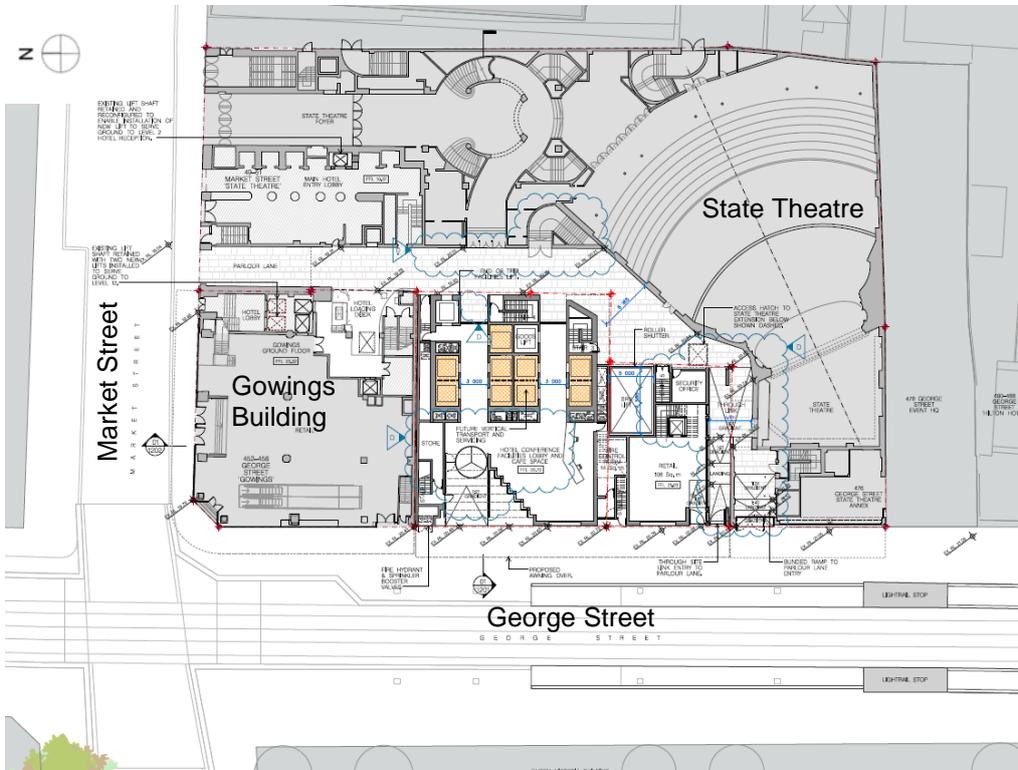


Figure 46: Ground level plan

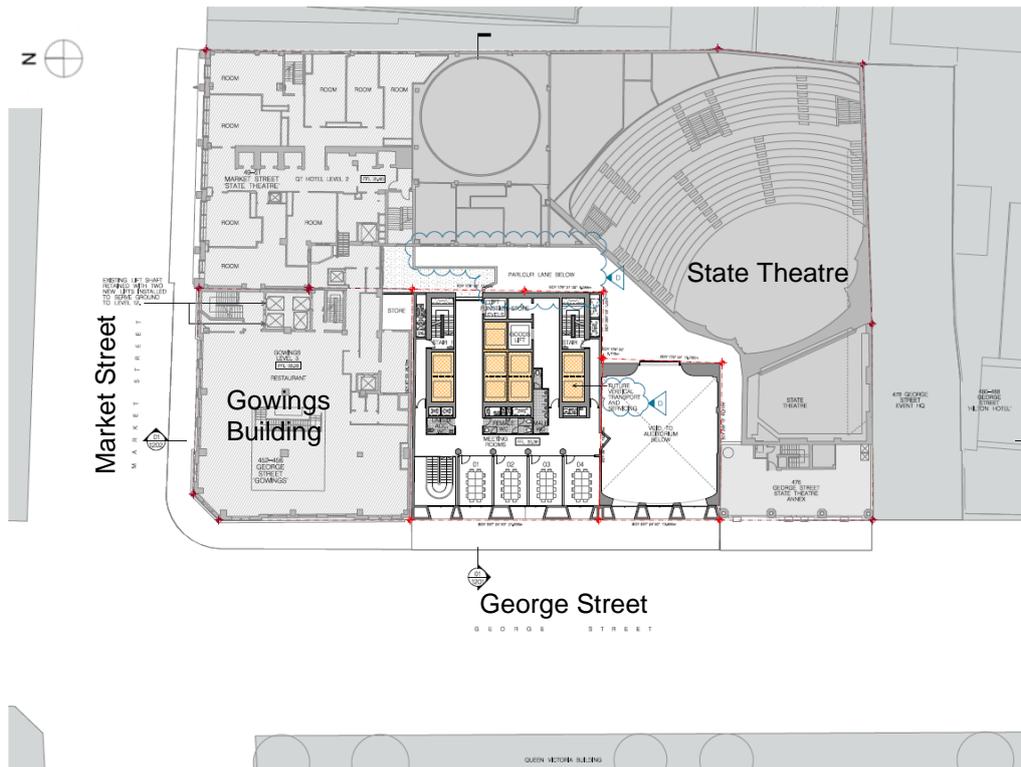


Figure 49: Level 3 plan

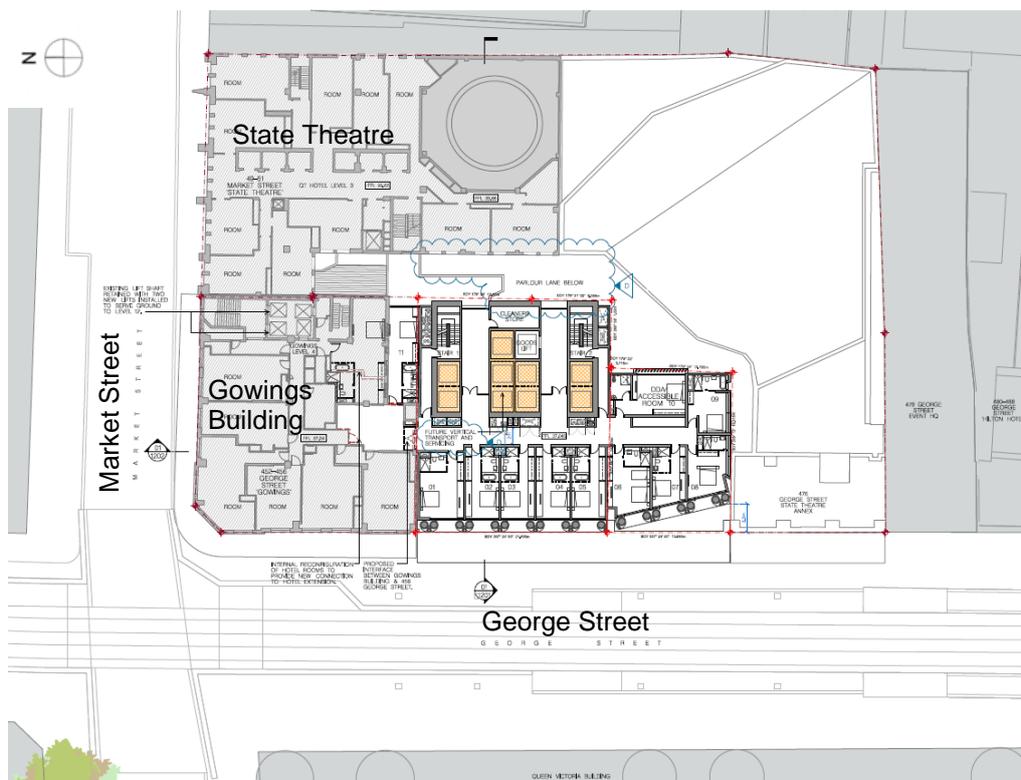


Figure 50: Level 4 and 5 plan



Figure 51: Level 6 plan



Figure 52: Level 7-11 typical plan



Figure 53: Level 12 plan

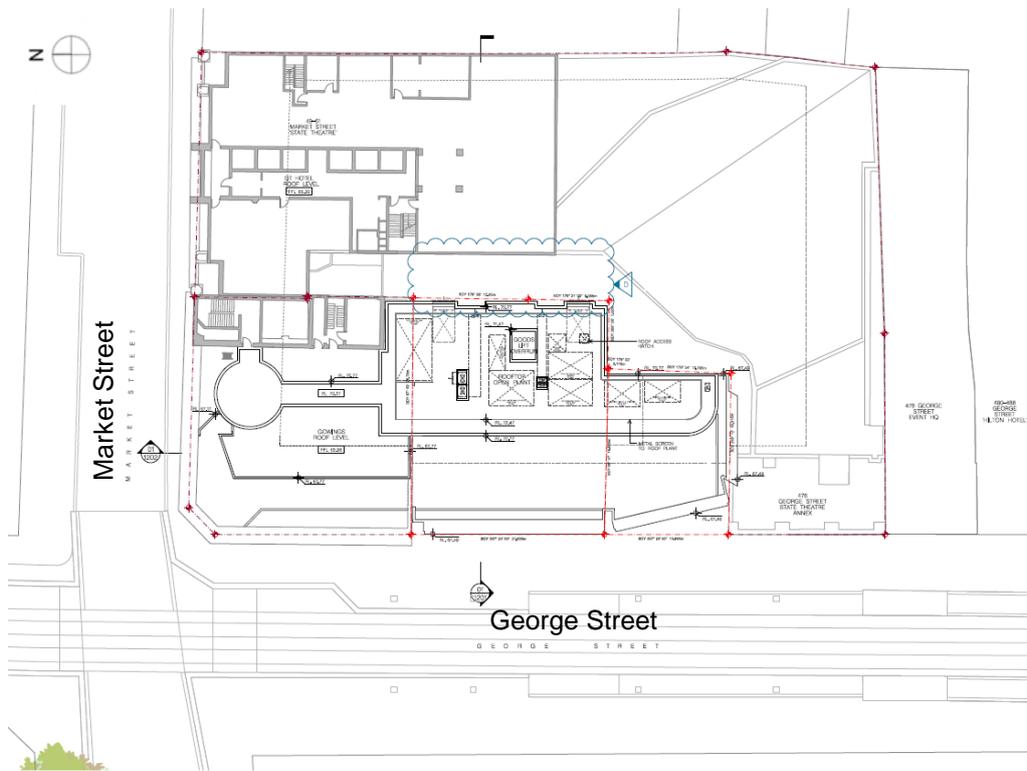


Figure 54: Roof plan

History Relevant to the Development Application

History and heritage significance of the site

State Theatre and former State Shopping Block building

29. The statement of significance for the State Theatre and former State Shopping Block building from the New South Wales State Heritage Inventory for the place, based on the New South Wales State Heritage Register listing for Item 00446, is reproduced below:

The State Theatre, Sydney is of national heritage significance at an exceptional level, as a major milestone in the development of the cinema building in Australia, being a departure from the then popular 'atmospheric cinemas' and one of the last of the great flamboyant cinemas erected in the late 1920s, just prior to the Great Depression. It achieved a spatial enclosure of extraordinary fantasy, brilliantly capturing the cinema going spirit of the times. In the State Theatre nothing was real, everything was fantasy, there to stimulate the imagination of the visitor and movie patron.

Its architectural composition is unique in Australia. The architectural and spatial progression from the introductory gothic imagery on the street frontage, through the 14th century Gothic Hall and Robert Adam inspired Empire Room to the Baroque drama of the Rotunda and French Empire decorated foyers into the splendour of the main auditorium is an experience unparalleled in any 19th or 20th century building in New South Wales. The interiors that make up this composition are of the highest of quality design in terms of theatricality and execution, they remain almost completely intact and in excellent condition.

The surviving sections of the gothic detailing are unique, of the highest quality craftsmanship and of exceptional significance. The State Theatre achieved a consistency of execution by the use of the gothic motif not only in the main street level foyers, as the spatial introduction to the Theatre and shopping areas, but across the whole street frontage, over the full extent of the multi storey Market and George Streets facades and throughout the upper interior levels of the Shopping Block. The original gothic imagery of the street level facade and on the soffit of the awning, reflected and set the scene for the lavish interiors. The detailing remains almost intact and in good condition, except where Art Deco decoration was substituted in 1937.

The 1937 Market Street shop front alterations have a high level of cultural significance as a fine and now rare example of Art Deco style of shopfront design, executed at a time when the Shopping Block needed a radical new image to counter flagging consumer support. Unfortunately the alterations of latter decades have adversely impacted on the quality and integrity of this Art Deco decoration. The ultimate failure of the Shopping Block as a retail venue further reduces the significance of the Art Deco decoration.

The Theatre was the premier venue of the former Union Theatre company's Sydney chain, part of the organisation's ambitious national expansion programme in the 1920s, called the 'Million Dollar Theatres' plan. It remains as the flagship of the Greater Union organisation and is associated with the many people who have worked in the organisation and the Theatre over much of the 20th century, but most notably its founder Stuart Doyle.

When erected in 1929 the flamboyantly decorated State Theatre was the ultimate public entertainment venue in New South Wales at a time when movie going audiences were being thrilled by the increasing exuberance of each new cinema. It remained a popular movie venue for tens of thousands of people over many decades and was the scene of many movie premieres being celebrated with major public events. A high level of public interest is sustained by such events as the annual Sydney Film Festival and other special screenings.

Other aspects of the complex are significant for their original functions including a multi storey retail arcade, ballroom and theatrette, although none of these activities survived into the late 20th century. The State Theatrette was a popular place for the public screening of newsreels and special movie presentations, while the State Ballroom remained a popular entertainment venue for many decades. The majority of the original interior decoration of these spaces has long since been removed.

The State Theatre Building is significant as one of only two surviving theatre buildings in Sydney to have been designed by the well-known theatre architect Henry E. White. The other is the Capital Theatre.

The interiors of the main public areas contain one of the largest applications of scagliola or reproduction of marble finishes in Australia. The quality of the plaster work, particularly in the Auditorium and Proscenium Arch and of other decorative items such as light fittings, is of the highest standard of 1920s design and craftsmanship. The Chandelier in the main Auditorium is one of the largest in the nation. There is a large collection of original paintings and statuary in the public foyers which are of considerable artistic quality. The Wurlitzer Organ, while no longer functional, is a rare example of what used to be a major aspect of the movie going experience.

Former Gowings building

30. The statement of significance for the former Gowings building from the New South Wales State Heritage Inventory for the place, based on the Sydney LEP 2012 listing for Item 1789, is reproduced below:

The Gowings Building is part of an ongoing tradition of centralised commercial, financial and professional dealings in the CBD having particular associations with the pre-eminent Australian retailing firm. The choice of site reflects the importance of George Street as a retail precinct. It is representative of the popular Commercial Palazzo style used for inter-war commercial buildings. The Gowings Building is an important townscape element on a major city corner, and contributor to the setting of the Queen Victoria Building precinct along with other major inter-war buildings such as Dymock's, BBC Hardware and the State Theatre Building. It is important as an icon for CBD retailing, and for its relationship with Grace Bros, State Shopping Block, Dymocks Building, and BBC Hardware as well as David Jones, as a traditional department store/retail focus at the intersections of George, Pitt and Castlereagh Streets with Market Street.

Former Globe Theatre building

31. The heritage impact statement submitted with the amended application submitted to the City on 17 August 2020 states the following in relation to the former Globe Theatre building:

The subject property at 458-466 George Street was constructed in c.1914 as a theatre building and was designed by Robert Clarence Backhouse. Backhouse was an experienced theatre architect having worked on the Lyceum, the Tivoli, the Palace and Waddington's Grand Theatre. The former Globe Theatre was not the largest or most significant theatre of its time. The comparative analysis confirms that the former Globe Theatre was, in its day, a modest example of the typology compared with other more significant examples. Most of the interior evidence of the former Globe Theatre has been lost and the external form and fabric has been sufficiently modified so that the original theatre use is not readily apparent. This original use was short-lived and replaced by a succession of short-lived uses throughout the twentieth century.

The building was one of many theatre and cinema buildings constructed around this time in the Sydney CBD. Theatre operations were short lived and ceased in 1924 after only 10 years. There is no important physical evidence remaining of this original phase within the building except for the compromised facade which does not demonstrate any obvious associations to the former theatre use, beyond the application of lyre motif bas reliefs, and some remnant internal fabric that does not make a defining contribution to significance.

The three major phases of the building which followed the original theatre use included a retail arcade reconfiguration, a radio theatre fit out, and use for general retail until present. These later phases of occupation all required major intervention into the original building fabric. The principal facade has been irrevocably impacted by later fit out works internally, and original elements which made the place distinct have been removed, including the windows and rooftop globe. Evidence of the radio theatre

phase of occupation remains in part of the fit out, however this fabric is degraded and has been substantially modified by additional layers of fit out. This radio theatre phase however is the phase best represented through the existing fabric and has heritage value for its rarity.

The building is a modest and pedestrian example of the Romanesque Revival style. The building was designed to respond to the Queen Victoria Building located opposite the subject site on the western alignment of George Street, and was never intended to be a strong isolated example of the style. The property is not associated with any significant events and does not have a high degree of intactness or physical integrity.

32. The building is listed on the National Trust of Australia (NSW) register, which states the following:

The former Globe theatre at 458-466 George St Sydney is historically significant as Sydney's only surviving Victorian Romanesque style theatre and as a broadcasting studio for Radio Station 2UW and as the first recording studio for Albert Productions and the first demo recording for the Australian group the Easybeats.

The Globe Theatre is one of the earliest surviving movie theatres constructed in Australia and during its operation screened notable films including the premiere of the lost film "The Unknown" (1915) filmed in Newcastle. Its biggest hit came in 1922 when Rudolph Valentino in "The Sheik" played for 26 years.

The Romanesque style facade of the former Globe Theatre has important streetscape value mirroring the style of the Queen Victoria building opposite.

Dudley House

33. The heritage impact statement submitted with the amended application submitted to the City on 17 August 2020 states the following in relation to Dudley House:

The subject building at 468-472 George Street was constructed in 1924 to the design of Burcham Clamp and Mackellar architects. The comparative analysis for Burcham Clamp and Mackellar reinforces that the Dudley House building is not an important or fine example of this firm's work. This firm was well known for their contribution to ecclesiastical architecture but also accepted tenders for other buildings in Sydney including warehouses and commercial buildings. Dudley House is not one of the firm's notable buildings or reflective of their primary architectural style.

While incorporating elements of the Chicagoesque style such as bay windows, wide horizontal spandrels and delineated window bays, the building lacks the refinement and resolution of other examples in the city. The building is not the culmination of the style and is instead a rather pedestrian example of the typology.

The Dudley House facade has also been modified to accommodate evolving retail trading on the ground floor and has been modified at its main internal entrance. The building does not demonstrate highly original or influential design elements and is not an early or important example of the work of Burcham Clamp and Mackellar. The building does not have any defining or distinctive aesthetic attributes and does not demonstrate any technical achievement in its construction.

Development history of the subject site

49-51 Market Street, Sydney

34. The property containing the State Theatre former State Shopping Block, State Theatre Annex, and former Gowings buildings has been the subject of numerous development applications and consents, many of which relate to various internal fit outs and uses within both the Gowings and State Theatre Building.
35. Relevant development consents for the site are summarised below.
 - (a) Development consent D/1997/735 was granted on 2 April 1998 for upgrade and conservation works, including a rooftop addition.
 - (b) Development consent D/1998/5420 was granted on 19 July 1999 for the construction of a new rooftop addition, restaurant, mezzanine and outdoor terrace and conservation works.

Condition 21 of development consent D/1997/735 and condition 8 of development consent D/1998/5420 allow for a total of 2780 square metres of heritage floor space to be awarded and a total of 477 square metres of heritage floor space to be purchased for both roof additions.

The consents appear to have been activated, however there is no record that any Heritage Floor Space has been awarded or registered to the site and no roof top addition was built under either consent. Furthermore, a restriction was not registered on title for the property, which would serve to prevent the proposed redevelopment of the site under the current application.

A condition is therefore recommended to require the deletion of condition 21 of development consent D/1997/735 and the deletion of condition 8 of development consent D/1998/5420, to ensure the removal of any HFS award relating to the previously approved rooftop additions.

- (c) Development consent D/2010/267 was granted on 9 September 2010 for the conversion of the upper levels of the State Theatre and Gowings buildings to a hotel, including a restaurant and bar and day spa.
- (d) Development consent D/2011/1906 was granted for the construction of a 16-storey mixed use building at 478-480 George Street, Sydney, including works to the adjacent State Theatre Annex building.

458-466 George Street, Sydney

36. The property containing the former Globe Theatre building has been the subject of numerous development applications and consents, most relating to the use and fit out of the ground floor level for retail premises and use of the upper levels for storage.

468-472 George Street, Sydney

37. The property containing Dudley House has been the subject of numerous development applications and consents, most relating to the use and fit out of the ground floor level for retail premises.

Development history of adjoining sites*478-480 George Street, Sydney*

38. As discussed under the Development history of the subject site heading above, development consent D/2011/1906 was granted on 14 May 2012 for the construction of a 16-storey mixed use building, comprising the Event Hospitality and Entertainment head office building. This building was designed by Candalepas Associates and completed in 2015 by Built Holdings.
39. A portion of the northern facade of this building overhangs the subject site but is fully contained within its own stratum allotment.

55 Market Street, Sydney

40. As discussed under the Locality heading above, development consent D/2015/1687 was granted on 5 July 2016 for alterations and additions to the podium, includes demolition of facades and internal structures, construction of new facades and awnings.

Pre-development application advice

41. Pre-development application advice meetings were held between the applicant, architect, applicant's consultant team and City staff on 14 March 2018, 1 August 2018 and 15 February 2019.
42. The proposed development of the site was presented to the City's Design Advisory Panel (DAP) on 13 December 2018. The DAP provided the following advice:
 - (a) The Panel commended the architect for the remarkably beautiful set of drawings and study of urban design options for this exceptionally important site;
 - (b) The approach to considering the amalgamated site holistically was supported;
 - (c) The Panel also commended the proponents for their long-term commitment to developing good urban design outcomes, evidence of the value of the trust and rapport between the owner and the architect;
 - (d) The Panel was broadly supportive of the proposed use, increased capacity for the hotel, through site link to Parlour Lane and improved loading facilities for the State Theatre. The proposed relocation of the Radio Theatre was also supported;

- (e) The proposal to use sandstone and explore elements of craft, detail and proportion in response to the Queen Victoria Building and heritage listed State Theatre Annex building was supported;
- (f) Based on the analysis and studies presented, the demolition of the unlisted buildings was considered acceptable, however, the Panel questioned the proposal to increase the street wall height to match the Gowings Building. The Panel noted that the height of the Gowings Building is currently a standalone, street corner condition;
- (g) The Panel recommended further careful street view analysis of the street wall height, noting that a continuation of the general street wall height set by the buildings to the south, including 478-480 George Street, The Hilton Hotel, The Citi Group, would better complete the street wall height of the entire street section including the Queen Victoria Building;
- (h) The Panel recommended that the architect explore an option that lowered the street wall to match the general street wall height of the rest of the block with the proposed 7 metre set back of the podium to align with building to the south; and
- (i) Sun shading appropriate to orientation should be considered for all western facades.

History of concurrent concept development application

- 43. Integrated development application D/2019/882 was lodged with the City on 13 August 2020, concurrently with the subject application.
- 44. The application proposed conceptual demolition of the buildings at 458-472 George Street and a building envelope containing an indicative 31 storey mixed use building, including commercial office uses in a tower and retail and hotel uses in a podium.
- 45. The building envelope is illustrated in the photomontages provided in Figure 55 below.

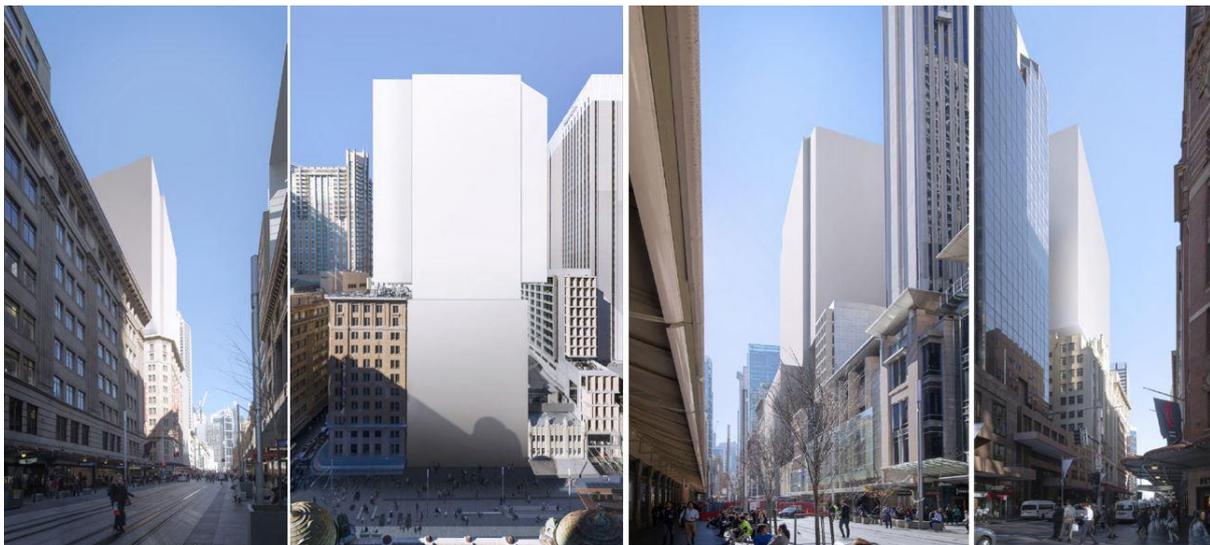


Figure 55: Photomontages of the building envelope proposed under development application D/2019/882, viewed from various locations along George Street and from above the QVB

46. The application was notified and exhibited between 4 September 2019 and 3 October 2019, with the City receiving four submissions in objection to the proposal.
47. An initial request for information was sent to the applicant on 23 October 2019 requesting additional information as follows:
 - (a) Documentation and structural drawings required by Sydney Trains;
 - (b) Additional heritage information and plan drawings of the 458-466 George Street, Sydney (former Globe Theatre) and 466-472 George Street, Sydney (Dudley House);
 - (c) Additional and amended envelope drawings;
 - (d) Additional traffic, transport servicing and loading information;
 - (e) Flooding and stormwater documentation;
 - (f) Amended Ecologically Sustainable Development (ESD) information; and
 - (g) An amended Waste Management Plan.
48. The requested information was submitted to the City on 2 December 2019.
49. The application was presented to a sub-committee of the City's Design Advisory Panel (DAP) on 30 January 2020 which made the following observations and recommendations:
 - (a) Reiteration of previous commendations on the architect's remarkable drawings and study of urban design options for this exceptionally important site;
 - (b) Support for the proponents' long-term commitment to developing good urban design outcomes was also reiterated;
 - (c) Advised that the concept submission lacked sufficient analysis of the impact of the envelope and podium details on the public domain, and in particular the surrounding city streets;
 - (d) Concern that the focus of the presentation was on the podium proposal, and in particular the George Street frontage, rather than the complexities of the interfaces between the podium with the tower, as well as the theatre, and about assessing the two development applications separately;
 - (e) Concern that the proposed envelope appears to be too bulky and could result in detrimental impacts on the State Theatre, George Street, Market Street and Pitt Street;
 - (f) Concern about critical issues relating to the tower, including:
 - (i) The structure and core of the tower;
 - (ii) The interface between the tower and the podium;
 - (iii) Servicing and egress for the proposed uses of theatre, retail, hotel and commercial;

- (iv) Visual impacts of the tower on Market and Pitt Street at the street level;
 - (v) Buildability and construction management of the two components; and
 - (vi) The proposed structural columns in the laneway, including potential conflicts with service access;
- (g) Recommendation that the detailed development application be withdrawn or deferred, given the issues relating to the proposed interface with the tower; and
- (h) Recommendation for a study of the impact of the tower envelope on the surrounding city, with consequent amendments to the envelope.
50. A heritage committee was established to review the proposal, in accordance with the requirements of Section 3.9.4 of the Sydney Development Control Plan 2012, given the proposed tower envelope was proposed to extend over more than 20% of the building footprint of the State Theatre building.
51. In a detailed report dated 26 February 2020, the committee raised a range of concerns in relation to the proposed development, including the following matters:
- (a) Insufficient information in the heritage documents submitted to enable an assessment of the impacts on the heritage significance of the State Theatre, former Gowings building, the former Globe Theatre and Dudley house. This included:
 - (i) Additional historical overview assessment;
 - (ii) Further research and analysis of documentary evidence;
 - (iii) Further physical fabric analysis;
 - (iv) Amendments to the comparative analyses; and
 - (v) Revised assessments of significance;
 - (b) Insufficient design controls for the podium and tower envelopes;
 - (c) Insufficient detail on the structural concept for the tower to permit consideration of its feasibility and impacts associated with its structure within the State Theatre site;
 - (d) Insufficient archaeological assessment; and
 - (e) Concern about the substantial bulk of the tower having an adverse impact on the significance of the State Theatre and former Gowings buildings.
52. The report made a number of recommendations, including:
- (a) Amendment of the heritage documents to address the identified deficiencies referred to above;
 - (b) Establishment of detailed heritage guidelines to conserve the heritage significance of the site, particularly in relation to:
 - (i) The structural interventions into the site to support the tower;

- (ii) Additional geotechnical analysis of the sandstone bedrock;
 - (iii) Controls over the basement envelope to ensure that the significant fabric of the heritage items is not compromised; and
 - (iv) Reduction in the extent of the bulk and scale of the building envelope to reduce the visual impact of the proposed cantilevered tower form to both George Street and Market Street.
53. On 16 March 2020, a letter was sent to the applicant outlining the concerns raised by both the DAP sub-committee and heritage committee, along with a range of other additional and amended information, including:
- (a) An amended Design Excellence Strategy and ESD report;
 - (b) Additional transport, loading, servicing and construction management information; and
 - (c) Revised and additional flooding and stormwater management documentation.
54. A meeting was held between City staff, the applicant, architect, representatives of the landowner and the applicant's consultant team and architect on 28 April 2020. The applicant proposed withdrawal of the concept tower application D/2019/882 and amendment of the subject application to substantially delete references to a new commercial office tower from the application.
55. The application was subsequently withdrawn by the applicant on 11 September 2020.

History of the subject development application

56. Following lodgement and a preliminary assessment of the application, an initial request for information was sent to the applicant on 23 October 2019 requesting additional information as follows:
- (a) Documentation and structural drawings required by Sydney Trains;
 - (b) Additional heritage information and plan drawings of the existing buildings at 458-466 George Street, Sydney (former Globe Theatre) and 466-472 George Street, Sydney (Dudley House);
 - (c) Additional and amended envelope drawings;
 - (d) Additional traffic, transport servicing and loading information;
 - (e) Flooding and stormwater documentation;
 - (f) Amended ESD information; and
 - (g) An amended Waste Management Plan.
57. The requested information was submitted to the City on 2 December 2019.
58. As with the assessment of development application D/2019/882, the subject application was presented to a sub-committee of the City's Design Advisory Panel (DAP) on 30 January 2020 and reviewed by the heritage committee established in relation to the concept development application.

59. On 16 March 2020, a letter was sent to the applicant outlining the concerns raised by both the DAP sub-committee and heritage committee, along with a range of other additional and amended information in relation to the concept development application D/2019/882, and a request for the withdrawal of the subject development application D/2019/883.
60. At the meeting referred to above on 28 April 2020, the applicant instead proposed withdrawal of the concept development application D/2019/882 and amendment of development application D/2019/883 to substantially delete references to a new commercial office tower from the application. Development application D/2019/882 was subsequently withdrawn on 11 September 2020.
61. Following this meeting, a further request for information was made to the applicant on 13 May 2020, requesting:
 - (a) Additional documentation and structural drawings required by Sydney Trains;
 - (b) Consideration of design matters relating to the ground floor plane treatment and building expression of the new development;
 - (c) Additional traffic, transport, servicing and loading information;
 - (d) Additional construction management details;
 - (e) Revised and additional flooding and stormwater management documentation;
 - (f) An amended Waste Management Plan;
 - (g) Amendments to the preliminary public art plan; and
 - (h) Updated plans of management for the hotel and hotel bars.
62. Further meetings were held between the applicant, architect, applicant's consultant team and City staff on 21 May 2020, 8 July 2020 and 23 July 2020 to discuss the requirements for amendment of the proposed development.
63. Following these meetings, an amended application was submitted to the City on 17 August 2020, with additional information submitted as follows:
 - (a) Clarification relating to the works to ground floor level of the former Gowings building in relation to flood mitigation and flood risk on 29 September 2020 and 2 October 2020;
 - (b) Additional survey drawings on 1 October 2020;
 - (c) Clarification relating to the operating hours and patron capacity of the ground level cafe and level 2 bar on 12 October 2020;
 - (d) View line diagrams and an amended ESD report on 14 October 2020;
 - (e) Amended preliminary public art plans on 15 October 2020 and 21 October 2020; and
 - (f) Amended and additional photomontages on 2 November 2020.

- 64. The assessment provided in the report is based on the amended application and additional information outlined above.

Heritage Act 1977

- 65. The site contains the State Theatre, former State Shopping Block and State Theatre Annex buildings and Parlour Lane former Health Department Building, which are listed on the State Heritage Register as comprising an item of State significance (SHR Item Number 00446).
- 66. Figure 56 below shows the curtilage of the heritage item, as provided on the NSW Heritage Register website.

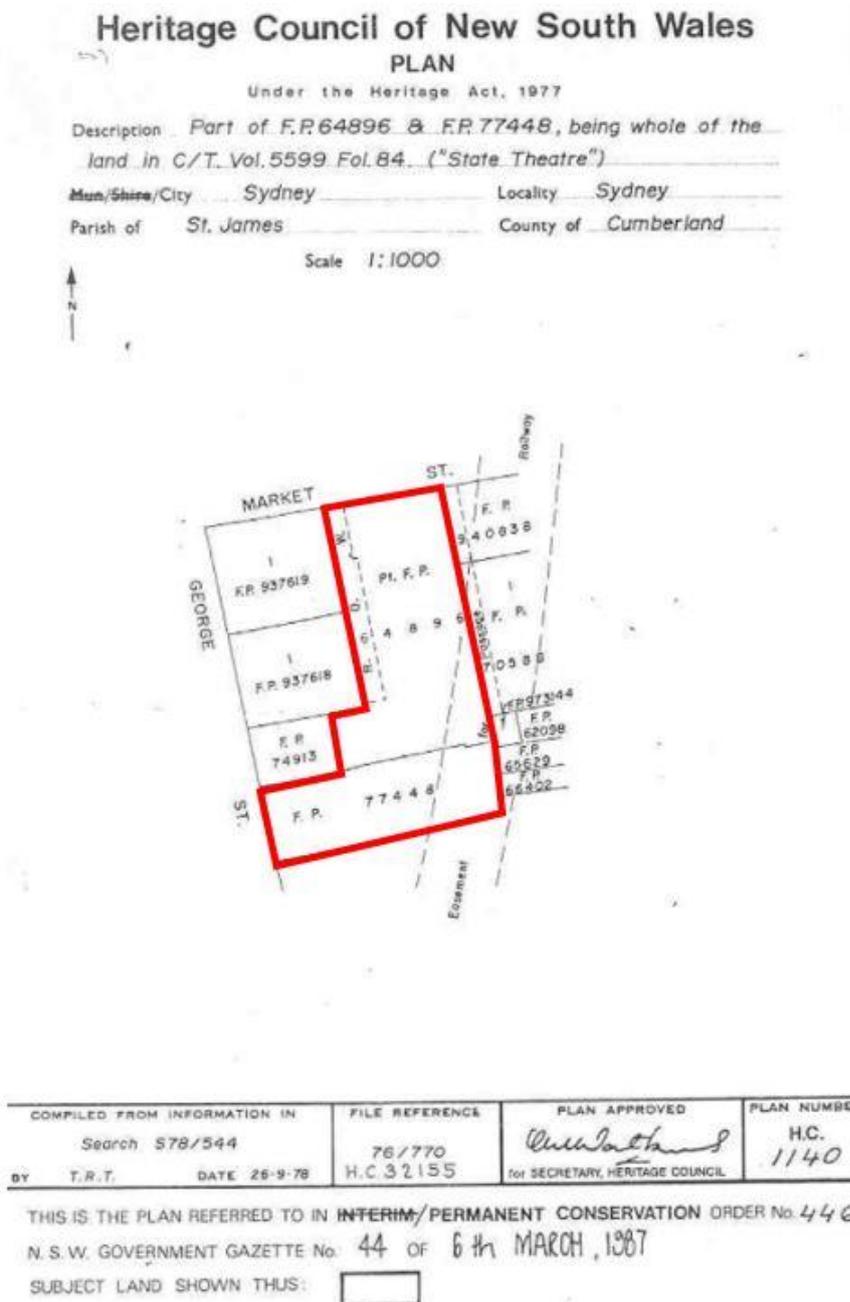


Figure 56: Curtilage of the State heritage listed State Theatre site, outlined in red

67. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, Heritage New South Wales, acting as the delegate for the Heritage Council of New South Wales, granted General Terms of Approval to the proposed development, subject to conditions on 28 October 2020.
68. The General Terms of Approval received from Heritage New South Wales are included in Schedule 3 of Attachment A.

City of Sydney Act 1988

69. Section 51N of the City of Sydney Act, 1988, requires the Central Sydney Planning Committee (the 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.
70. 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."

71. 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 Central Business District and required consultation with the CSTTC.
72. Transport for New South Wales, as the delegate of the CSTTC, was consulted.
73. Submissions received by the City from Transport for New South Wales are considered in the assessment of the application and the recommended conditions in Attachment A.

Liquor Act 2007

74. The site is located within the Sydney Central Business District Entertainment Precinct, and proposes licensed bar uses associated with hotel accommodation that can be accessed by guests and members of the public.
75. An exemption applies to the liquor freeze provisions of the Liquor Act, 2007, as the licensed premises are associated with tourist and visitor accommodation. The proposal therefore complies with the requirements of the Liquor Act, 2007.

Economic, Social and Environmental Impacts

76. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979, including consideration of the following matters:

Environmental Planning Instruments and Development Control Plans

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

77. 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.
78. A preliminary site investigation report was submitted with the application. The report was reviewed by City staff during the assessment of the proposal.
79. 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. The recommended conditions have been included in Attachment A.

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

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

Clause 45

81. The application is subject to Clause 45 of the Infrastructure SEPP as the development may affect existing electricity infrastructure within and adjoining to the site.
82. In accordance with the requirements of the Clause, the application was referred to Ausgrid. At the time of the preparation of this assessment report, no response from Ausgrid had been received by the City.
83. It is noted that Clause 45 of the Infrastructure SEPP requires consideration of any response received within 21 days after the notice is given.

Clause 85 and Clause 86

84. The application is subject to Clause 85 and 86 of the Infrastructure SEPP, as the site is located within 25 metres of the Sydney Central Business District and South East Light Rail corridor and the Eastern Suburbs and North Shore rail tunnels, and the proposal involves excavation deeper than 2 metres.

85. Accordingly, the application was referred to Sydney Trains and Transport for New South Wales (TfNSW) for concurrence.
86. Both Sydney Trains and TfNSW granted concurrence to the proposal, subject to conditions. These conditions are included in Attachment A.

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

87. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SREP 2005.
88. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles seek to:
- (a) Protect and improve hydrological, ecological and geomorphologic processes;
 - (b) Consider cumulative impacts of development within the catchment;
 - (c) Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) Protect and rehabilitate riparian corridors and remnant vegetation.
89. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour.
90. The site is not located in the Foreshores Waterways Area or adjacent to a waterway however and, with the exception of the objective of improved water quality, the objectives of the SREP 2005 are not applicable to the proposed development.
91. The proposal is consistent with the controls contained within the SREP 2005.

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

92. The site is located within the B8 Metropolitan Centre zone.
93. The proposed use is defined as a "mixed use development", comprising "retail premises", "hotel accommodation", "function centre", "food and drink premises" and "entertainment facility", all of which are permissible with development consent in the zone.
94. The relevant matters to be considered under Sydney LEP 2012 for the proposed development are outlined below.

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 130 metres is permitted. A height of 51.87 metres is proposed.
4.4 Floor Space Ratio (FSR)	Yes	A maximum FSR of 8:1 is permitted under Clause 4.4 of the Sydney LEP 2012.

Development Control	Compliance	Comment
<p>6.4 Accommodation floor space</p> <p>6.6 End of journey floor space</p>		<p>The site is identified as being located within "Area 2" on Sheet FSR_015 of the <i>Floor Space Ratio Map</i>, and an additional 4.92:1 "accommodation floor space" is permitted under Clause 6.4 of the Sydney LEP 2012, for a total of 12.92:1, based upon the proportions of the proposed mix of land uses.</p> <p>The proposal also includes showers, change rooms, lockers and bicycle storage within the basement of the building. These end of journey facilities are 167 square metres in area, and in accordance with Clause 6.6 of the Sydney LEP 2012 the site is also eligible for an additional 0.04:1 'end of journey floor space'.</p> <p>The amended application is accompanied by Gross Floor Area (GFA) calculation diagrams which demonstrate that the proposed development results in a compliant FSR of 5.77:1.</p>
<p>5.10 Heritage conservation</p>	<p>Yes, subject to conditions</p>	<p>The site is identified on Sheet HER_015 of the <i>Heritage Map</i> as containing two heritage items, being the State Theatre and former Gowings buildings. The site is also located in proximity to a number of heritage items of State and local significance, including the Queen Victoria Building to the west, the retained heritage facades of the Sydney Central Plaza retail and commercial complex to the north and Simpson's House to the east. The site is not located within a heritage conservation area, or within a Special Character Area.</p> <p>The proposal is for a contemporary infill mixed use building and alterations and additions to the two heritage items on the site. The proposed bulk, scale, form and materiality of the new building and proposed alterations to the heritage items are compatible with the site setting and will not detract from the significance of the subject and nearby heritage items.</p>

Development Control	Compliance	Comment
		Refer to the further discussion and assessment provided below under the Issues heading.
Clause 6.19 Overshadowing of certain public places	Yes	<p>The site is within the vicinity of the Sydney Town Hall steps and Sydney Square.</p> <p>The application is accompanied by shadow diagrams which clearly demonstrate that the proposal does not result in any additional overshadowing of these places.</p>
Clause 6.21 Design excellence	Yes, subject to conditions	<p>The proposed development is suitable for the site and demonstrates a high standard of architectural design, materials and detailing appropriate to the building type and location.</p> <p>In terms of its form, bulk and scale, the proposal does not result in any significant view impacts and responds positively to both the public domain, adjoining development and heritage items and the surrounding land uses. It incorporates appropriate Ecologically Sustainable Development (ESD) measures and provides suitable ground level interfaces with George Street, enhancing pedestrian permeability through the site. The proposal satisfies the design excellence criteria contained in Clause 6.21(4) of the Sydney LEP 2012 as a result.</p> <p>Clause 6.21(5) of the Sydney LEP 2012 stipulates that a competitive design process is required to be undertaken for development which requires a development control plan to be prepared under Clause 7.20 of the Sydney LEP 2012.</p> <p>A competitive design process has not been carried out for the proposed development.</p> <p>Refer to the further discussion and assessment provided under the Issues heading below.</p>

Development Control	Compliance	Comment
<p>Car parking ancillary to other development</p> <p>7.7 Retail premises</p> <p>7.9 Other land uses</p>	Yes	<p>A maximum of 19 car parking spaces are permitted, based on the proposed mix of land uses.</p> <p>No car parking spaces are proposed.</p>
7.14 Acid sulfate soils (ASS)	Yes	<p>The site is identified on Sheet ASS_015 of the <i>Acid Sulfate Soils Map</i> as containing class 5 ASS and is located within 500 metres of land identified as containing Class 1 and 2 ASS.</p> <p>The preliminary site investigation report submitted with the application concludes that the development is unlikely to lower the water table.</p> <p>Accordingly, an ASS Management Plan is not required, and the development satisfies this provision.</p>
7.15 Flood planning	Yes, subject to conditions	<p>The site is located within the City Area Catchment and is identified as being flood affected.</p> <p>The original and amended applications are accompanied by flood modelling reports and incorporate design features along the George Street frontage of the site to mitigate flood impacts.</p> <p>The City's Public Domain and Water Assets Units have reviewed the proposal and have advised that the proposal is acceptable with regard to flooding considerations, subject to the conditions in Attachment A.</p>
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.
7.19 Demolition must not result in long term adverse visual impact	Yes	While the proposal includes demolition of the existing building, the proposal also includes construction of a new building under the same application.

Development Control	Compliance	Comment
		Council planning staff are therefore satisfied that the site will be comprehensively redeveloped under the consent.
7.20 Development requiring preparation of a development control plan	No, but assessed as acceptable	<p>Clause 7.20(2) of the SLEP 2012 requires the preparation of a site-specific development control plan (DCP), or concept development consent, for sites located in Central Sydney and with an area of more than 1,500 square metres.</p> <p>The site and proposed development is not subject to either a site specific DCP or concept development consent.</p> <p>Refer to the further discussion and assessment provided under the Issues heading below.</p>
7.24 Development near Cross City Tunnel ventilation stack	Yes	<p>A portion of the site, being the western part of the State Theatre annex building, is identified on Sheet CL1_015 of the Locality and Site Identification Map as being land affected by the Cross-City Tunnel (CCT) ventilation stack.</p> <p>The application is accompanied by a Qualitative Air Quality Impact Assessment which concludes that the proposed development is unlikely to experience air quality below the requirements of the New South Wales Environmental Protection Agency.</p> <p>The proposed development will not adversely affect the dispersal of emissions from the CCT ventilation stack, given that the height of the State Theatre Annex building is not proposed to be altered in any fashion, nor will persons using the proposed development be unduly affected by those emissions, given that no sensitive land uses are proposed and the site is located in excess of 580 metres from the stack.</p>

Sydney Development Control Plan 2012 (Sydney DCP 2012)

95. The relevant matters to be considered under the Sydney DCP 2012 for the proposed development are outlined below.

2. Locality Statements
The site is not located within an area subject to a Locality Statement under Section 2 of the Sydney DCP 2012.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposed development will make a positive contribution to the public domain by:</p> <ul style="list-style-type: none"> • retaining activation and a continuous awning to the George Street frontage of the site; and • providing improved accessibility along Parlour Lane during the operation of the State Theatre.
3.1.2.2 <i>Through-site links</i>	Yes	<p>The site is not required to provide a through-site link, nor does the proposed development trigger the need for a through-site link to be provided.</p> <p>The proposed development includes a new egress point from Parlour Lane to George Street, creating a link to Market Street to be utilised by exiting patrons of the State Theatre during its operation, with access restricted by a lockable gate outside of the hours of operation of the State Theatre.</p> <p>While the modifications to Parlour Lane do not meet all minimum requirements for through-site link design, they are acceptable given the public safety benefit of swifter dispersal of patrons from the State Theatre by providing two egress directions.</p>

3. General Provisions	Compliance	Comment
3.1.5 <i>Public art</i>	Yes	<p>The application is accompanied by a preliminary Public Art Plan, submitted in accordance with the City of Sydney Public Art Policy, Public Art Strategy and Guidelines for Public Art in Private Development.</p> <p>Indicative locations for the public artwork include Parlour Lane and the George Street facade.</p> <p>A condition of consent is recommended requiring a detailed public art plan to be submitted and approved by the City, which will determine the final location and type of artwork.</p>
3.2 Defining the Public Domain	Yes	The proposed development will enhance the public domain by ensuring adequate sun access is provided to publicly accessible spaces.
3.2.1.1 <i>Sunlight to publicly accessible spaces</i>	Yes	<p>Shadow diagrams accompanied the application, showing intervals between 9am and 3pm at the winter solstice (21 June).</p> <p>The shadow diagrams demonstrate that there are no overshadowing impacts arising from the development on either the Town Hall steps or Sydney Square.</p>
3.2.2 <i>Addressing the street and public domain</i>	Yes	The proposed development positively addresses George Street, with several points of entry, visibility to the internal hotel lobby, cafe, retail premises and Parlour Lane at ground level and high-quality finishes and a visually interesting treatment to the exposed southern facade of the new building.
3.2.3 <i>Active frontages</i>	No, but acceptable	<p>The site is required to provide active frontages to George Street and Market Street.</p> <p>The proposal provides activation to George Street but does not comply with relevant active frontage controls in Section 3.2.3 of the Sydney DCP 2012 relating to the minimum amount of</p>

3. General Provisions	Compliance	Comment
		<p>transparent glazing, the maximum amount of space given over to building entry foyers, or the minimum proportions, grain and width of tenancies to sites required to provide active frontages.</p> <p>The design is acceptable with regard to active frontage considerations, given that a heavily glazed, transparent frontage would be less compatible with the architectural weight of the masonry piano nobile and stone and glass columns above.</p> <p>The solidity of the ground floor elevation is also balanced by the distinctive design of the funnel-shaped arched foyer and use of high quality bluestone, sandstone, steel and black glass finishes, which adds visual interest by emphasising the building entrance, and the large retail window and door to George Street.</p> <p>On balance, the proposed variation of the controls is supported in this instance.</p>
3.2.4 Footpath awnings	No, but acceptable	<p>The site is required to provide a continuous awning to George Street and Market Street at a height of between 3.2 and 4.2 metres above the footpath.</p> <p>The proposed development provides a continuous awning to all frontages, however the height of the proposed awning (4.7 to 5.2 metres), and its barrel-vaulted form over the main entrance do not comply with the controls for awning height or form.</p> <p>The awning design is generally acceptable however, given that it is designed to match the height, scale and features of the former Gowings building, including its awning. The barrel-vaulted form is also similar to several such awnings within the vicinity, including those to the Swissotel and State Theatre buildings.</p>

3. General Provisions	Compliance	Comment
		On balance, the proposed variation of the controls is supported in this instance, subject to the recommended conditions in Attachment A relating to the design, details and materiality of the awning.
3.2.6 <i>Wind effects</i>	Yes	<p>The new building exceeds 45 metres in height and the wind effects objective and provisions apply to the proposed development as a result.</p> <p>The application was accompanied by an Environmental Wind Assessment report which concludes that the proposal will not result in any significant adverse wind conditions, due to the existing high-density context of the Sydney Central Business District.</p>
3.2.7 <i>Reflectivity</i>	Yes	<p>The new building exceeds 35 metres in height and is a "tall building" in accordance with the Glossary of Terms in the Sydney DCP 2012. The objectives and provisions relating to reflectivity apply to the proposed development as a result.</p> <p>The application was accompanied by a Reflectivity Study report which concludes that the development will not result in unacceptable reflectivity or glare impacts.</p> <p>A condition is recommended in Attachment A to ensure that the external reflectance of the proposed glazing within the proposed development does not exceed 20%.</p>
3.3 Design Excellence and Competitive Design Processes	No, but acceptable	<p>The application seeks to 'waive' the requirement to undertake a competitive design process.</p> <p>Refer to the further discussion and assessment provided under the Issues heading below.</p>

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development (ESD)	Yes	<p>The application is accompanied by an ESD Design Report.</p> <p>The report outlines the ESD design strategy for the development including a range of initiatives relating to energy and water efficiency, indoor environmental quality, materials and transport.</p> <p>A condition is recommended in Attachment A to ensure that these initiatives are further resolved and implemented within the design and construction of the proposed development.</p>
3.7 Water and Flood Management	Yes, subject to conditions	<p>As discussed above in relation to the flood planning provisions of the Sydney LEP 2012, the site is located within the City Area Catchment and is identified as being flood affected.</p> <p>The original and amended applications are accompanied by flood modelling and utility services reports and incorporate design features along the George Street frontage of the site to mitigate flood impacts.</p> <p>The City's Public Domain and Water Assets Units have reviewed the proposal and have advised that the proposal is acceptable with regard to stormwater and flooding considerations, subject to the relevant conditions in Attachment A.</p>

3. General Provisions	Compliance	Comment
3.8 Subdivision, Strata Subdivision and Consolidation	Yes, subject to conditions.	<p>The site currently comprises four parcels across three properties, all in single ownership.</p> <p>The proposed development involves the extension of the QT hotel and State Theatre uses from 49-51 Market Street, Sydney, into the properties at 458-466 George Street, Sydney, and 468-472 George Street, Sydney.</p> <p>Conditions are recommended in Attachment A to require consolidation of the site into one allotment, and to preclude the strata subdivision of the proposed hotel rooms.</p>
3.9 Heritage	Yes, subject to conditions	<p>The site contains two heritage items, being the State Theatre and former Gowings buildings and is also located in proximity to a number of heritage items of State and local significance, including the Queen Victoria Building. The site is not located within a heritage conservation area, or within a Special Character Area.</p> <p>The proposal is for a contemporary infill mixed use building and alterations and additions to the two heritage items on the site.</p> <p>The proposed bulk, scale, form and materiality of the new building and proposed alterations to the heritage items are compatible with the site setting and will not detract from the significance of the subject and nearby heritage items.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

3. General Provisions	Compliance	Comment
<p>3.11 Transport and Parking</p> <p><i>3.11.1 Managing transport demand</i></p>	<p>Yes, subject to condition</p>	<p>The proposed development comprises a non-residential mixed-use development, which is greater than 1,000 square metres in Gross Floor Area and generates a requirement for a Transport Impact Study and Transport Access Guide under the relevant provisions of Section 3.11.1 of the Sydney DCP 2012.</p> <p>Transport Impact Study reports were submitted with the original and amended applications in accordance with these requirements.</p> <p>These reports have been reviewed by the City's Transport Planning Unit who have advised that they are acceptable with regard to the controls in Section 3.11.1 of the Sydney DCP 2012.</p> <p>A condition is recommended in Attachment A to ensure the development of a Transport Access Guide and Implementation Plan for the site.</p>
<p><i>3.11.3 Bike parking and associated facilities</i></p>	<p>Yes, subject to condition</p>	<p>The proposed development includes retail and hotel accommodation uses which generate a requirement for 16 employee bike parking spaces, 8 visitor bike parking spaces, 24 lockers and 4 shower and change cubicles under Section 3.11.3 of the Sydney DCP 2012.</p> <p>The proposal provides 8 employee bike parking spaces, 5 visitor bike parking spaces and 1 shower and change cubicle within basement level 4. Additional indicative bike parking spaces and end of journey facilities, including sanitary facilities, lockers and shower and change cubicles are shown within basement level 4.</p> <p>A condition is recommended in Attachment A to require a compliant number of bike parking spaces and end of journey facilities to be provided within the basement levels of the development.</p>

3. General Provisions	Compliance	Comment
3.11.6 <i>Service vehicle parking</i>	Yes	<p>The proposed development includes retail and hotel accommodation uses which generate a requirement under Section 3.11.6 of the Sydney DCP 2012 for 3 service vehicle parking spaces.</p> <p>The proposal provides 3 service vehicle parking spaces within the basement levels of the development, close to the proposed vehicle lift and with direct access to a goods lift, loading areas and waste storage rooms, provided for both the State Theatre and hotel accommodation uses on the site.</p> <p>The service vehicle parking facilities are accessed from Market Street using the existing vehicular cross-over and Parlour Lane.</p>
3.11.8 <i>Bus parking</i>	Yes, subject to condition	<p>The proposed development includes a hotel accommodation use with 72 hotel rooms, which generates a requirement under Section 3.11.8 of the Sydney DCP 2012 for 2 car spaces and 1 bus or coach space.</p> <p>The proposal does not provide any on-site car or bus parking and relies on existing on-street space for passenger pick-up and set-down on Market Street. This is acceptable, subject to a condition recommended in Attachment A requiring a Coach Parking and Passenger Pick-up and Drop-off Management Plan to be developed.</p>
<p>3.11.10 <i>Vehicle access for developments greater than 1000sqm GFA</i></p> <p>3.11.11 <i>Vehicle access and footpaths</i></p>	Yes, subject to conditions	<p>The sections of Market Street and George Street adjoining the site are restricted for new vehicle access.</p> <p>The site benefits from an existing vehicle access point from Market Street to Parlour Lane, which is approximately 30 metres to the east of the signalised intersection of George Street and Market Street.</p>

3. General Provisions	Compliance	Comment
		<p>Conditions are recommended in Attachment A to require vehicles entering or leaving the site to do so in a forward direction and installation of signs at Market Street to compel drivers to give way to pedestrians.</p>
<p><i>3.11.12 Tandem, stacked and mechanical parking areas</i></p>	<p>Yes, subject to condition</p>	<p>The proposed development includes a vehicle lift and turntables within the basement levels.</p> <p>The proposed mechanical parking installations are acceptable, given the physical constraints posed by the George Street light rail corridor, subterranean rail tunnel corridors and heritage items on the site.</p> <p>A condition is recommended in Attachment A requiring the vehicle lift and turntables to be reviewed for suitability for implementation and compliance with Australian Standard AS 2890.1</p>
<p><i>3.11.13 Design and location of waste collection points and loading areas</i></p>	<p>Yes, subject to conditions</p>	<p>Section 3.11.13 of the Sydney DCP 2012 requires waste collection and loading to be accommodated within new development in the building's basement.</p> <p>Waste collection and loading is proposed to be wholly accommodated within the basement levels of the development.</p> <p>This is proposed to be accessed from Market Street via Parlour Lane, and a vehicle lift and turntables capable of accommodating a Small Rigid Vehicle.</p> <p>Conditions are recommended in Attachment A to require all loading to be carried out on site, parking design in accordance with Australian Standard AS 2890.1 "Parking facilities", and a loading and servicing management plan to be developed for the site.</p>

3. General Provisions	Compliance	Comment
3.12 Accessible Design	Yes, subject to condition	<p>The application was accompanied by an Access Assessment report, which details that the design of the development is capable of complying with accessibility requirements under the Building Code of Australia (BCA), the Disability Discrimination Act and the relevant provisions in Section 3.12 of the Sydney DCP 2012.</p> <p>The hotel component of the development provides an accessible entry to George Street and to Market Street, and contains 8 accessible hotel rooms, designed to comply with Australian Standard AS 1428.1 "Design for access and mobility", as required by D3.1 of the BCA.</p> <p>A condition is recommended in Attachment A to ensure that this matter is further resolved at the Construction Certificate stage.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance, security measures and is generally designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles.</p>
3.13.2 <i>Air quality for development near the Cross City Tunnel</i>	Yes	<p>The proposed height of the development is 51.87 metres and the site is located in excess of 580 metres from the location of the Cross City Tunnel ventilation stack to the south-west of the subject site.</p> <p>In consideration of the proposed building height relative to the distance from the stack, further air quality assessment beyond that discussed above in relation to Clause 7.24 of the Sydney LEP 2012 is not required as the proposal is outside the threshold requirements in Section 3.13.2 of the Sydney DCP 2012.</p>

3. General Provisions	Compliance	Comment
3.14 Waste	Yes, subject to conditions	<p>The proposed development provides waste storage rooms and collection points within basement level 2, including space for bins, bulky goods storage and a cardboard baler.</p> <p>A waste management plan accompanied the application, which is supported by the City's Cleansing and Waste Unit, subject to amendments reducing waste vehicle movements to the site and modifying the design of the waste storage areas accordingly.</p> <p>Conditions are recommended in Attachment A for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development in this respect.</p>
3.15 Late Night Trading Management	Yes, subject to conditions	<p>The proposed development includes a bar within the conference facilities at level 2 with a capacity of 228 patrons and hours of operation 24 hours per day, 7 days per week, and a rooftop bar and external terrace area with a capacity of 320 patrons and hours of operation between 7.00am and 12.00am midnight, 7 days per week.</p> <p>Ground level cafe and retail uses are also proposed.</p> <p>The level 2 bar and rooftop bar are category A premises under Section 3.15 of the Sydney DCP 2012 and the site is identified as being located in a Late Night Management Area on Sheet 015 of the <i>Late night trading areas map</i>.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

3. General Provisions	Compliance	Comment
3.16 Signage and Advertising 3.16.1 Signage strategy	Yes, subject to conditions	No signage is proposed. Conditions are recommended to require a signage strategy to be submitted for approval prior to the issue of any Construction Certificate, and any future signage to be the subject of a separate application.
3.17 Contamination	Yes, subject to conditions	As discussed above in relation to SEPP 55, the City's Health and Building Unit has reviewed the preliminary site investigation report submitted to satisfy both the SEPP and Section 3.17 of the Sydney DCP 2012. The advice received advises that, subject to recommended conditions relating to contamination in Attachment A, the site can be made suitable for the proposed development.

4. Development Types 4.2 Residential flat, commercial and mixed-use developments	Compliance	Comment
4.2.1 Building height 4.2.1.2 <i>Floor to ceiling heights and floor to floor heights</i>	Partial compliance	Section 4.2.1.2 of the Sydney DCP 2012 requires a minimum floor to floor height of 4.5 metres on the first basement floor to enable conversion to future retail uses for development in Central Sydney, 4.5 metres on the ground floor and 3.6 metres on the first commercial floor and above, including hotels. The proposed basement level 1 has a floor to ceiling height ranging between 3 to 5.47 metres and will contain a range of dedicated loading and servicing facilities for the State Theatre and other building services.

4. Development Types 4.2 Residential flat, commercial and mixed-use developments	Compliance	Comment
		<p>The variation of the control is supported, given that the site location in the Sydney Central Business District is dominated by existing retail premises and the inability to convert the basement to a retail premises will not result in any shortage of available retail space within the locality.</p> <p>The ground floor entry lobby is provided with an 8.56 metre double height ceiling, with the ground and first floor retail provided with floor to ceiling heights of 4.8 metres and 3.4 metres respectively.</p> <p>The conference facilities and meeting rooms on levels 2 and 3 are proposed to have 3.17 metre floor to ceiling heights, with 2.8 metre floor to ceiling heights in the hotel rooms on levels 4 to 11, and 3.5 metre floor to ceiling heights in the rooftop bar on level 12.</p> <p>The minor numerical non-compliances are supported in this instance, given that the proposed floor to floor and floor to ceiling heights permit alignment with the existing hotel floor levels within the QT hotel in the former Gowings building, allowing a readily accessible interface between the two buildings.</p>
<p>4.2.3 Amenity 4.2.3.11 <i>Acoustic privacy</i></p>	<p>Yes, subject to conditions</p>	<p>An Acoustic Assessment and Noise Impact Statement report accompanied the application and has been reviewed by the City's Health and Building Unit. The advice received is that the conclusions and recommendations of the report are acceptable.</p> <p>Conditions are recommended in Attachment A to ensure that appropriate noise management measures are implemented in relation to the proposed uses of the site.</p>

4. Development Types	Compliance	Comment
4.2 Residential flat, commercial and mixed-use developments		
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposed development provides an acceptable built form with fine grain architectural character, with its scale, modulation and facade articulation designed to respond appropriately to its context on George Street.
4.2.6 Waste and Recycling Management	Yes, subject to conditions	Refer to the discussion and assessment provided in relation to waste management and Section 3.14 of the Sydney DCP 2012 in the table above.
4.2.7 Heating and cooling infrastructure	Yes	The proposed heating and cooling infrastructure is consolidated in centralised locations throughout the development, in order to ensure energy efficiency is achieved and to allow for the accommodation of future environmental technologies.

4. Development Types	Compliance	Comment
4.4 Other development types and uses		
4.4.8 Visitor accommodation		
4.4.8.1 General	Yes	The application is accompanied by a Plan of Management outlining general management practices for the hotel development, including hotel management and security available on-site 24 hours, 7 days per week. No hotel room contains triple-tier bunks or cooking facilities, and all toilets and shower facilities are partitioned off within each room.
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes, subject to condition.	The proposed hotel rooms range between approximately 24 to 32 square metres in size, with adequate storage provided in each room.

4. Development Types 4.4 Other development types and uses 4.4.8 Visitor accommodation	Compliance	Comment
		A condition is recommended in Attachment A to ensure compliance with the key provisions, including limiting the maximum length of stay to 3 months, and no more than 2 adults and 1 child permitted per room where accommodation is provided for more than 28 consecutive days.

5. Specific Areas - Central Sydney	Compliance	Comment
5.1.1 Street frontage heights	No, but acceptable	<p>Section 5.1.1 of the Sydney DCP 2012 requires that street frontage heights must be between 20 to 45 metres in height above ground level.</p> <p>The proposed development has a street frontage height which ranges between 46.5 and 47.52 metres, resulting from the fall of the land along George Street.</p> <p>The minor numerical non-compliance is acceptable given that the new building is designed to match the street wall height and alignment of the adjoining former Gowings building to the north. This meets the objective of the control, which seeks to ensure that new built forms are compatible with adjoining heritage items.</p> <p>With regard to the State Theatre annex building and adjoining Event Hospitality and Entertainment Head Office building, the proposed building incorporates an angled facade and alternating patterns utilising stone and glass columns within the design.</p>

5. Specific Areas - Central Sydney	Compliance	Comment
		<p>The 'peeling' away of the central part of the building from the street and change in materiality above the solidity of the piano nobile provides an acknowledgement of the lower street frontage height established by the existing buildings proposed to be demolished and the street frontage height of the adjoining buildings.</p> <p>On balance, the variation of the control is supported in this instance.</p>
<p>5.1.2 Building setbacks <i>5.1.2.1 Front setbacks</i></p>	<p>No, but acceptable</p>	<p>Section 5.1.2.1 of the Sydney DCP 2012 requires that buildings must be setback above the required street frontage height by a minimum weighted average of 8 metres, and 10 metres above heritage items.</p> <p>The proposed development includes one level above the street wall height, containing a rooftop bar sitting above the new building and the former Gowings building. This level is setback between approximately 7.5 to 11 metres from the parapet edge to George Street. To Market Street, the addition is setback between approximately 3.5 to 6 metres from the parapet edge.</p> <p>These setbacks are acceptable and the variation of the control is supported, given that the visual and heritage impacts of the addition are minimal given the height and prominent parapet form of the former Gowings building.</p>
<p><i>5.1.2.2 Side and rear setbacks</i></p>	<p>Yes</p>	<p>Section 5.1.2.2 of the Sydney DCP 2012 requires setbacks of 6 metres up to 45 metres in height and setbacks of 12 metres above 45 metres in height for hotels from side and rear property boundaries.</p> <p>Where these minimum setbacks cannot be achieved, the controls allow for the use of privacy measures, such as screens, splays and offsets.</p>

5. Specific Areas - Central Sydney	Compliance	Comment
		<p>The proposed development achieves a compliant setback to the east and south of the site. It has a separation in excess of 27 metres from the commercial building at 55 Market Street, Sydney, and more than 15 metres to the northern elevation of the Event Hospitality and Entertainment Head Office at 478-480 George Street, Sydney.</p> <p>The design of the building also employs various facade articulation measures which screen views from and into hotel rooms.</p>
<p>5.1.2.4 <i>Separation of buildings on the same site</i></p>	<p>No, but acceptable</p>	<p>Section 5.1.2.4 of the Sydney DCP 2012 requires a minimum separation distance of 6 metres between commercial buildings, including hotels, on the same site.</p> <p>The proposal achieves a compliant separation distance of 6 metres between the new hotel windows to existing theatre windows, with the exception of several south and west facing windows to the conference reception area and adjoining circulation space at level 2.</p> <p>These windows are provided with a separation distance of approximately 2.5 metres to existing windows within the western elevation of the State Theatre building.</p> <p>This reduced separation is acceptable, given that:</p> <ul style="list-style-type: none"> • The existing windows directly opposite have obscure glazing and serve an office and bathroom; and • The two office windows further to the south sufficiently offset from the new windows to preclude direct views from the reception area and adjoining circulation space.

5. Specific Areas - Central Sydney	Compliance	Comment
<p>5.1.5 Building bulk</p> <p><i>5.1.5.1 Commercial buildings</i></p>	Yes	<p>Section 5.1.5.1 of the Sydney DCP 2012 requires that the maximum horizontal dimension of any commercial building facade above 45 metres in height must not exceed 65 metres.</p> <p>The proposal has a maximum horizontal dimension of approximately 35 metres.</p>
<p>5.1.6 Building exteriors</p>	Yes	<p>The proposed development will contribute positively to the streetscape with high quality architecture, meeting the objectives in Section 5.1.6 of the Sydney DCP 2012.</p> <p>The proposed development is designed to align physically and visually with the existing masonry character of the adjoining former Gowings Building and the broader George Street locality, with both buildings having a matching street alignment and street frontage heights.</p> <p>The double height ground level entrance has an extended arch with a barrel-vaulted awning above, which recedes into the facade to provide a unique point of access into the new building. The lower levels of the building facade have been designed with an array of shapes which blend symmetrical and asymmetrical elements to create visual interest.</p> <p>The new building façade also proposes a distinctive and contemporary sandstone masonry and glass materiality, which complements the sandstone facade of the former Gowings building.</p> <p>The symmetrical and highly modelled stone and glass columns above the sandstone clad piano nobile, provide considerable depth to the facade, occupying an articulation zone of approximately 1.4 metres in depth, creating strong vertical and horizontal articulation.</p>

5. Specific Areas - Central Sydney	Compliance	Comment
		<p>The proposal does not include extensive use of blank glazing or solid walls, with no projections proposed into the public domain, with the exception of the proposed awning.</p> <p>The building does not result in any significant environmental impacts, either in terms of overshadowing or view loss, and the top level of the development is well setback from George Street and designed to be visually integrated with the existing and proposed development on the site.</p>

Issues

Heritage conservation

96. As described elsewhere in this report, the site accommodates two heritage items, comprising the State Theatre, the former State Shopping Block and State Theatre Annex building, Parlour Lane and the former Gowings building at 49-51 Market Street, Sydney.
97. It also accommodates two buildings which are not identified as heritage items in any statutory instruments, but are older than 50 years, located on the properties at 458-466 George Street, Sydney, and 468-472 George Street, Sydney, known as the former Globe Theatre and Dudley House respectively.
98. The application seeks development consent for alterations and additions to the two heritage items, the demolition of the two unlisted buildings on the site, archaeological investigation works, excavation for four basement levels and construction of a new building. These proposed works are assessed under separate headings below.

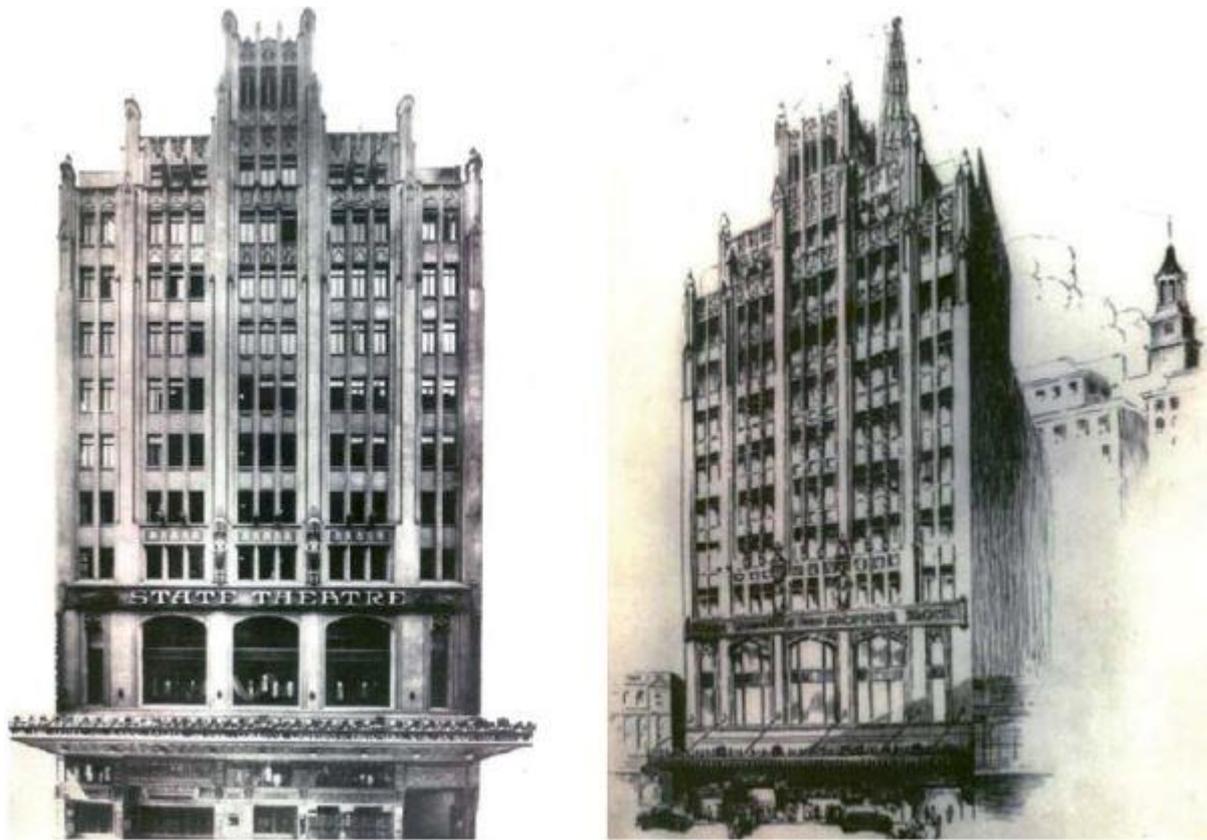
Adequacy of heritage documentation

99. The provisions of Clause 5.10(5) of the Sydney LEP 2012 and Section 3.9.1 of the Sydney DCP 2012 require the submission of heritage documents with development applications involving works to heritage items, within the vicinity of heritage items, and which propose substantial demolition of buildings older than 50 years.
100. This is so the consent authority can fully consider the heritage significance of affected buildings and the impact that the proposed development has on the buildings and their setting.
101. There are also requirements in Section 3.9.2 of the Sydney DCP 2012 for the preparation of a Conservation Management Plan (CMP) for development involving alteration to the fabric or setting of a State significant heritage item.

102. As discussed elsewhere in this report, there are two current CMPs that apply to the State Theatre, former State Shopping Block, Parlour Lane and the former Gowings buildings. The City's Heritage Specialist has advised that these provide sufficient guidance in relation to the proposed development of the site.
103. Given the proposed development involves the alterations and additions to two heritage items and the demolition of two buildings older than 50 years, heritage documents were submitted with both the original and amended applications lodged with the City.
104. As discussed elsewhere in this report, the heritage committee established in relation to the assessment of the now withdrawn concept development application D/2019/882 found that the heritage documents submitted with the original application provided insufficient assessment and raised concerns relating to the adequacy of the information presented.
105. The heritage documents were subsequently revised and updated to address the concerns raised by the heritage committee and resubmitted with the amended application received by the City on 17 August 2020.
106. These amended heritage documents have been reviewed by Council's Heritage Specialist, who advised that the recommendations made by the committee have been addressed and that sufficient additional information has now been provided. As such, the application now satisfies the requirements of both the Sydney LEP 2012 and Sydney DCP 2012 in this respect.

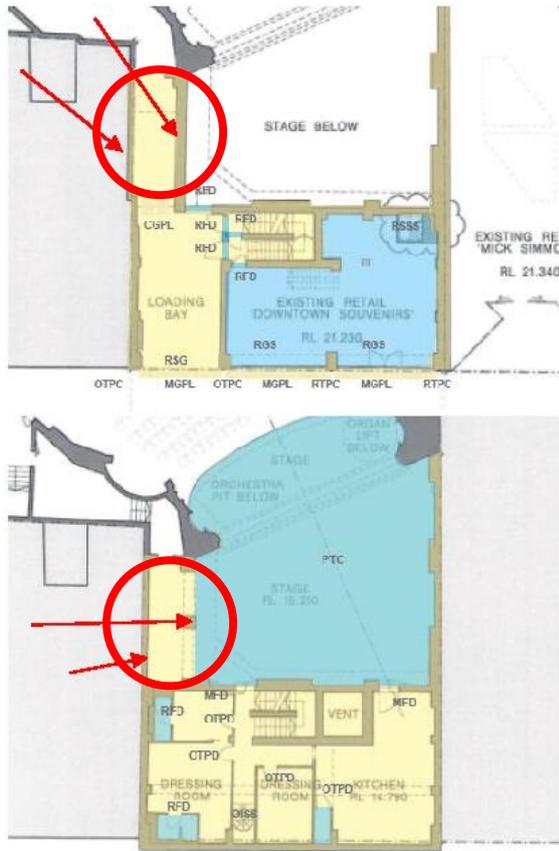
Alterations and additions to the State Theatre building, former State Shopping Block building and Parlour Lane

107. The State Theatre and former State Shopping Block building, and Parlour Lane, is listed on the State Heritage Register as an item "of national heritage significance at an exceptional level". The original form of the building, as depicted in Figures 57 and 58 below, makes an important heritage contribution to the Market Street streetscape.



Figures 57 and 58: 1928 photograph of the State Theatre building (left) and 1930 sketch of the completed building (right)

108. Heritage New South Wales, as delegate for the Heritage Council of New South Wales, has provide General Terms of Approval to the City under Section 4.47 of the Environmental Planning and Assessment Act, 1979, for the proposed development of the site, which are reproduced in Attachment A.
109. Parlour Lane was created to allow servicing of the buildings fronting George Street from Market Street and to permit patron egress from the State Theatre and forms an integral part of the design of the State Theatre and former Shopping Block building. It currently retains this dual role and is critically important to the functionality of the theatre, as a private service lane and right-of-way. The lane and the subterranean fire egress stairs are within the curtilage of State Theatre, as listed on the State Heritage Register.
110. The subterranean stairs, corridors linking the State Theatre auditorium to Parlour Lane, and the northern wall of the backstage area were constructed in 1929, and are proposed to be demolished to provide upgraded fire egress stairs and direct access for servicing of the theatre stage. As utilitarian accessories to the auditorium, they are of a plain finish and have no distinctive architectural features but remain intact and in a fair condition.
111. The conservation management plans (CMPs) applicable to the State Theatre identify some of building elements proposed to be demolished as having low to moderate significance as indicated in Figures 59, 60 and 61 below, while other areas affected by the proposed development, such as Parlour Lane itself and the northern and western auditorium walls, are not addressed in the CMPs.



(Above: Moderate fabric shown as yellow)

Figure 59: Extract from the State Theatre Stage and Annex CMP, illustrating fabric significance grading, with moderately significant fabric indicated in yellow and affected area circled in red

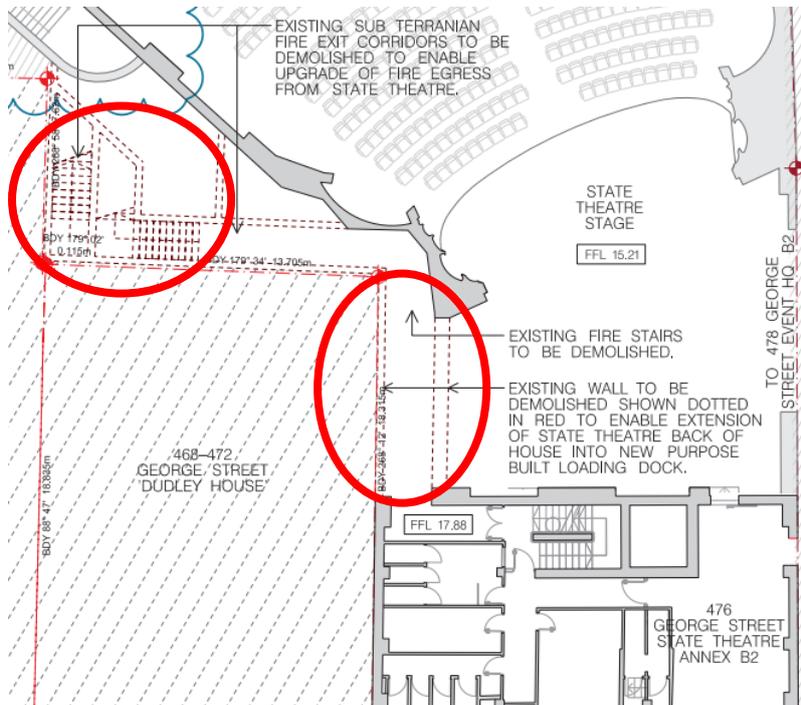


Figure 60: Extract from the basement demolition plan drawing, indicating walls and fire stairs to be demolished circled in red



Figure 61: Photograph of the existing northern backstage wall proposed to be demolished

112. The proposed development will affect Parlour Lane and the subterranean spaces below its surface, with the extent of excavation covering the lane and the subterranean space on northern side of the theatre stage and auditorium. The proposed new subterranean fire escape stairs for the State Theatre are located within the footprints of Parlour Lane and Dudley House.
113. The lane pavement is proposed to be reinstated, with the lane widened at its southern end and at the George Street exit. The egress point from the lane to George Street, as well as the pedestrian experience of the lane, will be improved by this aspect of the development. The proposed demolition and new works to Parlour Lane will not significantly affect the State Theatre Annex building facing George Street.
114. The relevant CMP for the site stipulates that “the private laneway between the Gowings building and State Theatre must remain accessible from both Market and George Streets, and remain largely open to the sky”.
115. On the northern part of the lane at level two, the proposal includes circulation space cantilevered over Parlour Lane to connect the conference reception to the conference facilities within the new building, which will obscure part of the view to the sky in this location. Associated minor internal demolition works and reconfiguration of the QT hotel reception area are also proposed. The eastern elevation of the new building is also much higher than the rear wing of the State Theatre and former State Shopping block building on the eastern side of the lane.
116. The proposed recesses and glazing to this elevation provide opportunities for relief of the apparent imbalance in building height and scale along the lane.

117. An appropriate condition is recommended in Attachment A requiring further design refinement of this elevation, including the possible use of public art and heritage interpretation measures.
118. Otherwise, the proposed widening of the lane at its southern end serves to offset the impact of the cantilevered connection at its northern end, and the improved pedestrian and vehicle access to the theatre's enlarged back of house areas, and reconfiguration of the fire egress stairs of the theatre are all positive, as they result in significant improvement to the serviceability and functionality of the State Theatre.
119. The alterations and additions to State Theatre, former State Shopping block, Parlour Lane and its associated subterranean area, have acceptable heritage impacts and are supported.

Alterations and additions to the former Gowings building

120. The former Gowings building occupies the prominent south-eastern corner of the intersection of George Street with Market Street, with its original Commercial Palazzo style design (indicated in Figures 62 and 63 below), contributing strongly to the heritage significance of the locality.



Figures 62 and 63: 1928 photograph of the construction of the steel frame of the Gowings building (left) and circa 1930s photograph of the completed Gowings building (right)

121. The exposed southern facade of the former Gowings building, visible above the parapet of the former Globe Theatre building from George Street, currently gives the building a strong three-dimensional form, addressing its corner location to the intersection of George Street with Market Street. The CMP for the former Gowings building identifies the southern wall and rear windows of the building as having a high level of significance, as indicated in Figures 64 and 65 below.



Figures 64 and 65: Extract from the CMP for the Gowings building, illustrating the fabric significance grading, with highly significant fabric indicated in yellow and affected windows circled in red (left) and photograph of the southern elevation of the Gowings building, with the windows circled in red (right)

122. Minor demolition works and internal reconfiguration of the Gowings Bar and Grill restaurant at levels 2 and 3, and the hotel rooms above on levels 4 to 12 within the Gowings building are proposed, with a roof top addition providing a roof terrace, entryway and corridor to the rooftop bar proposed atop the new building adjoining to the south.
123. The rooftop addition is of light-weight construction, is well-integrated with the existing building, has adequate setbacks from the front parapets to George Street and Market Street, and is hardly visible from surrounding streets, as indicated in Figures 66, 67, 68, 69, 70, 71 and 72 below. As such, it is assessed as having an acceptable heritage impact.

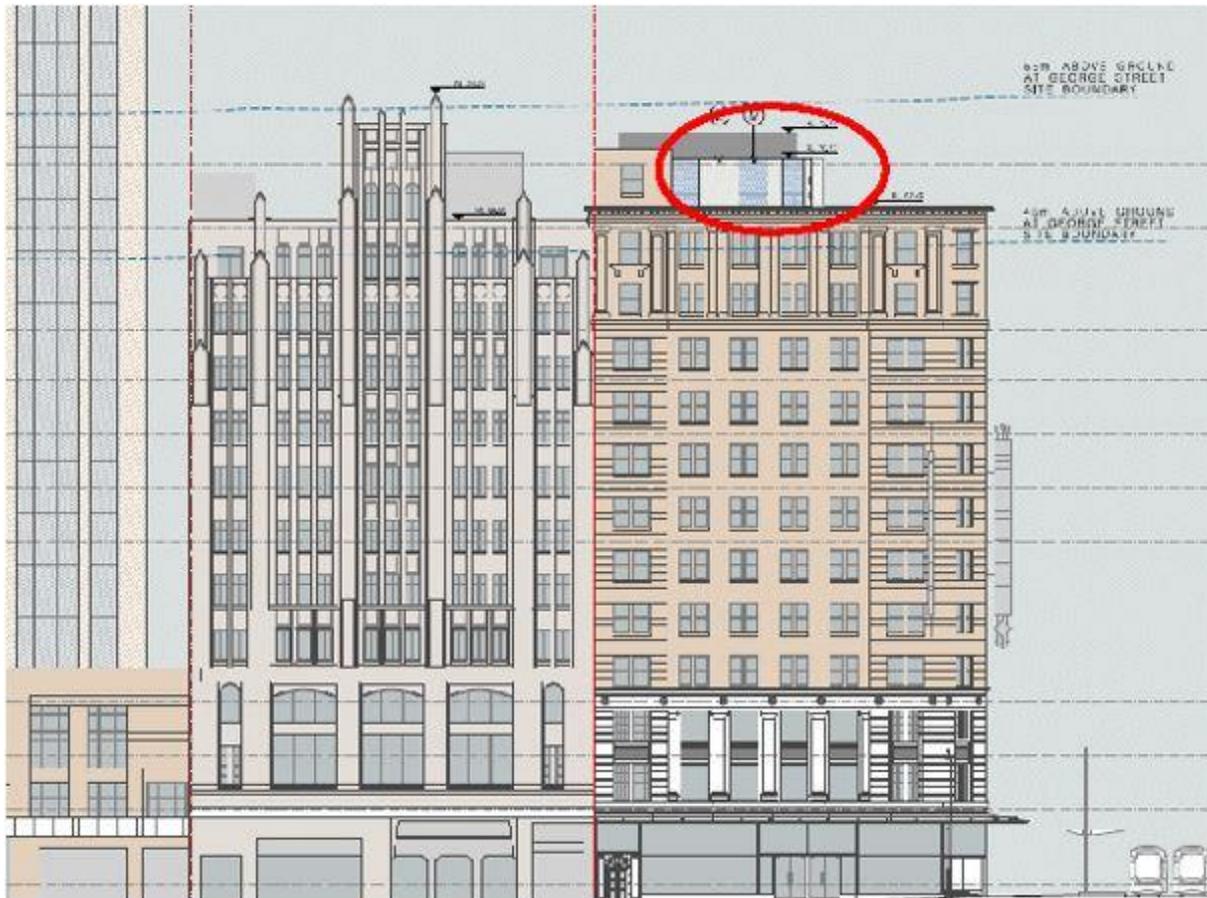


Figure 66: Extract of the Market St elevation with the rooftop addition circled in red

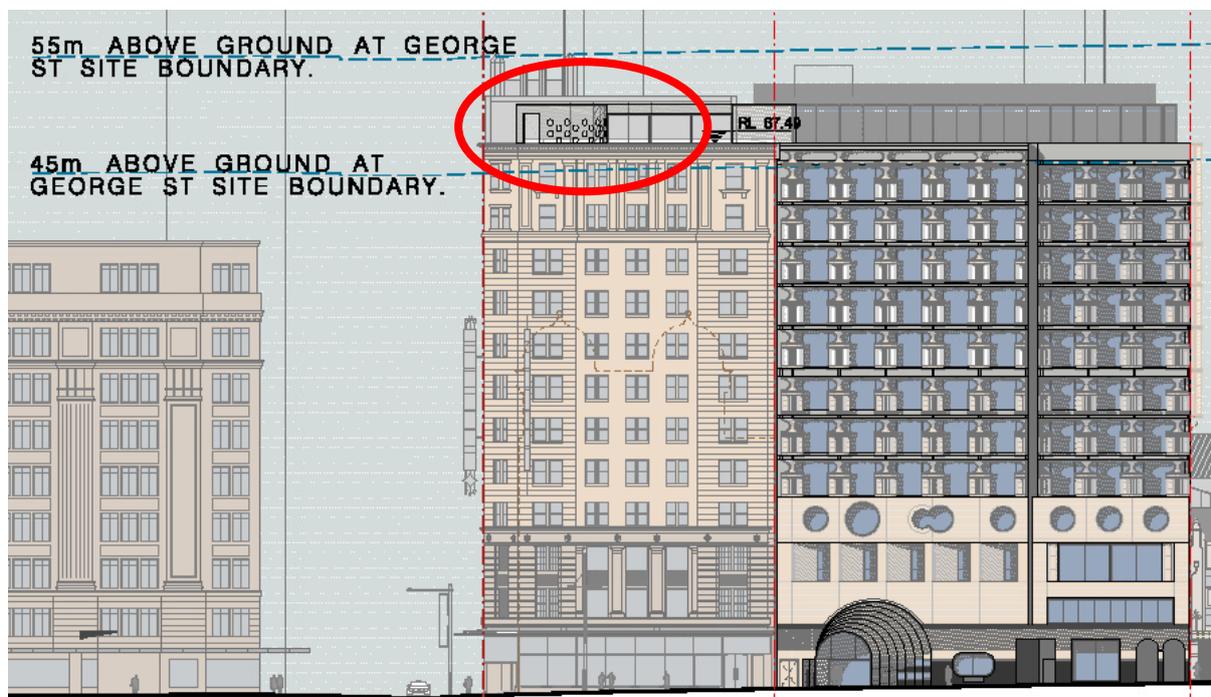


Figure 67: Extract of the George St elevation with the rooftop addition circled in red

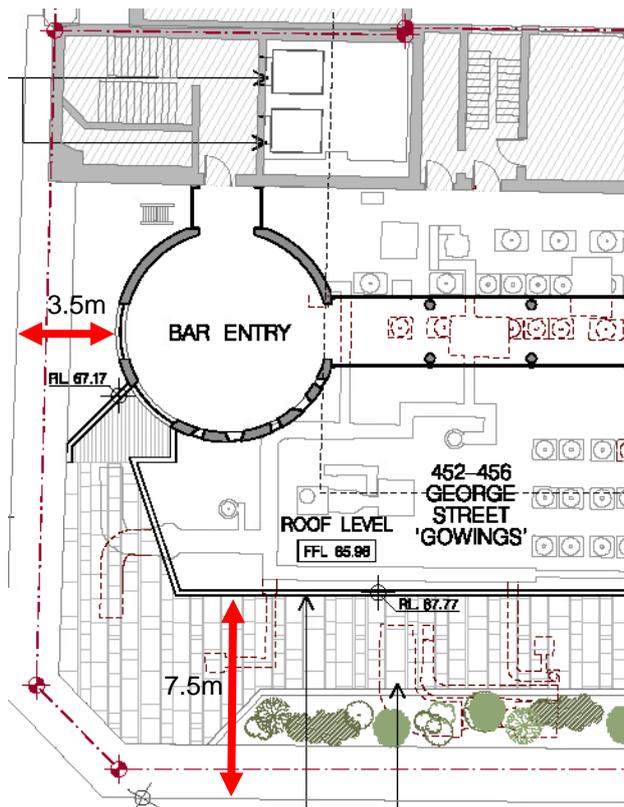


Figure 68: Extract of the Level 12 floor plan drawing, with setback distances noted



Figure 69: 3-dimensional view looking south from the opposite side of Market St



Figure 70: 3-dimensional view looking south-east from the intersection of Market St and George St

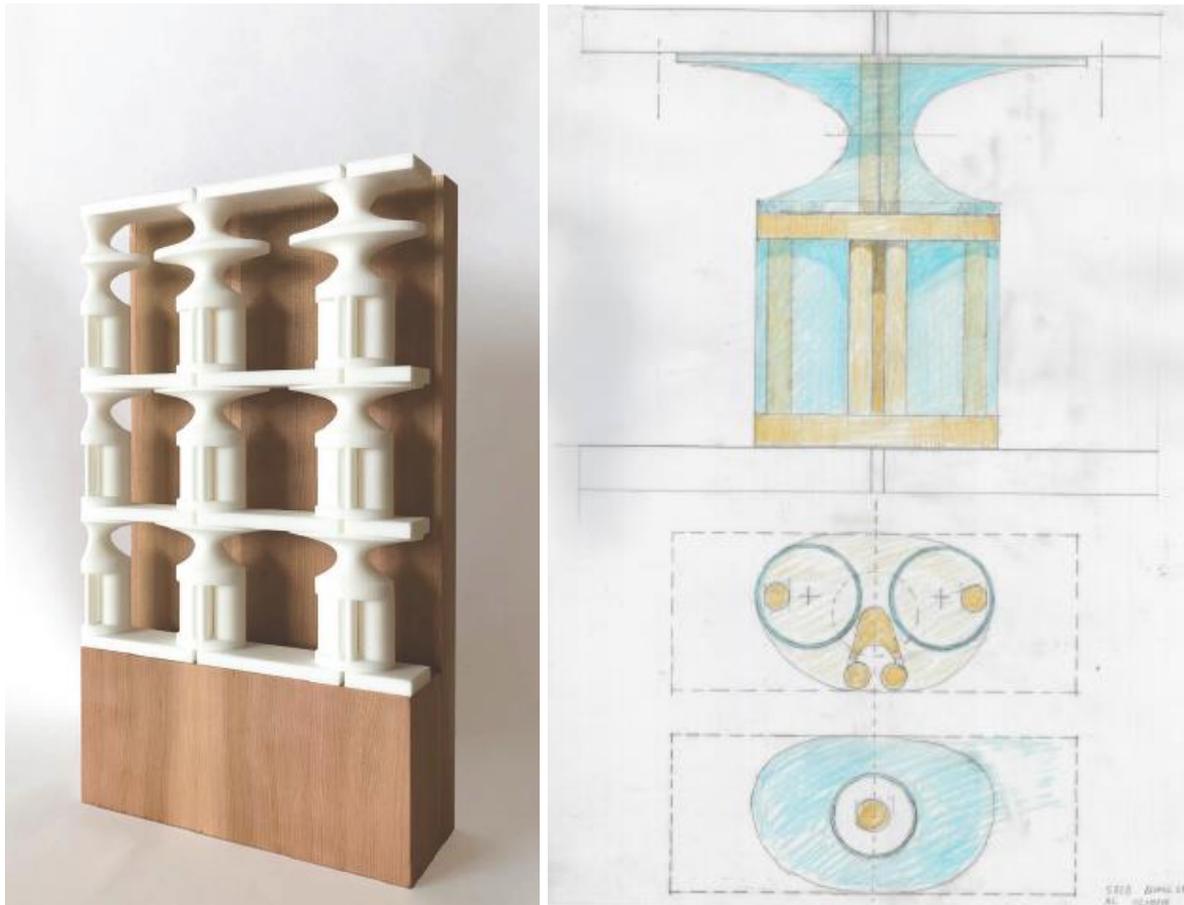


Figure 71: 3-dimensional view looking east from midblock between York St and Clarence St



Figure 72: 3-dimensional view looking south-east from the opposite side of George St

124. Of the fabric affected by the proposed demolition works, only the southern walls and windows of the former Gowings building, and the walls between the two buildings have heritage significance. The proposed new building will permanently cover the whole southern facade of the former Gowings building, including its original windows, which will have an adverse impact on its heritage significance.
125. On balance, this is acceptable, given that the heritage benefits provided by the overall redevelopment of the site, and that the new building is designed to complement and enhance the overall character and presentation of the site to George Street, through the extensive use of sandstone and its delicately articulated facade, including its use of rhythmic patterns of symmetrical columns of glass and sandstone. This materiality is reinforced with neutral toned concrete, along with copper and brass elements utilised in windows and trims.
126. The details of these columns can be seen below in Figure 73 and 74, with an extract of the materials and finishes board reproduced in Figure 75 and at Attachment D.



Figures 73 and 74: Photograph of column design detail model (left) and glass and sandstone column design detail sketch (right)



Figure 75: Photograph of materials and samples board

127. Overall, the alterations and additions proposed to the former Gowings building have acceptable impacts and are supported.

Demolition of the former Globe Theatre building

128. The former Globe Theatre building has no formal statutory heritage status under either the Heritage Act, 1977, the Sydney LEP 2012, or the draft Planning Proposal - Central Sydney and accompanying Central Sydney Planning Strategy.
129. The theatre was originally designed by Robert C. Backhouse under the commission of Frank Albert and Son in 1914, as depicted in Figure 76 below. It took 16 weeks to build and was opened on July 1914. At its completion, the Globe Theatre was one of 200 picture theatres in Sydney. By 1924, the theatre closed and was converted to retail premises.

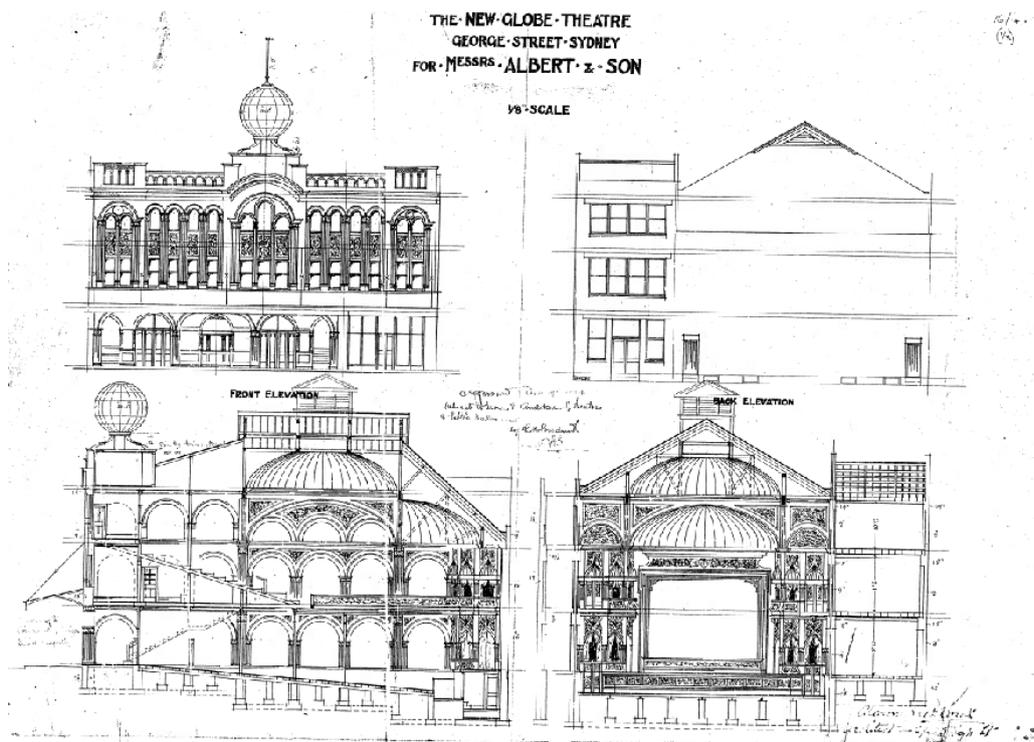


Figure 76: Extracts of the 1914 elevation and section drawings of the Globe Theatre

130. The proscenium, stage, decorative stalls and seating were removed, the void of the auditorium at the first floor level was infilled and the ground level demolished and replaced with shop premises, comprising a use known as "The Centreway Arcade" between 1925 and 1940, as depicted in Figure 77 below.

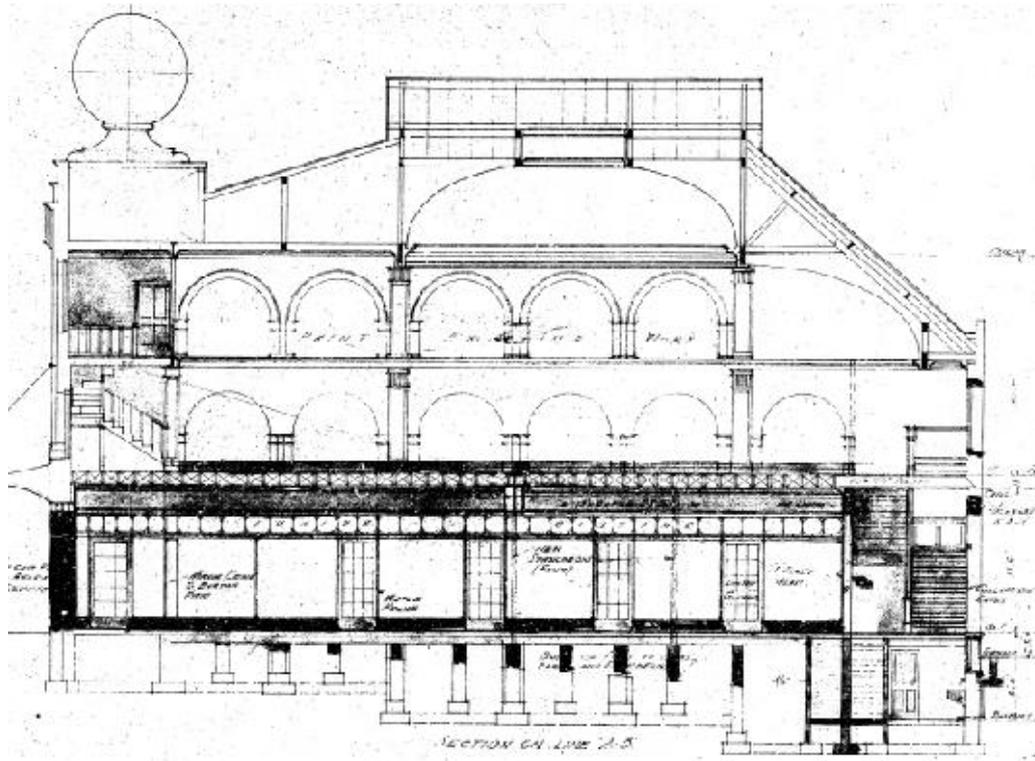


Figure 77: Extract of the 1925 section drawing of the Centreway Arcade

131. The second important phase of use of the premises was as the 2UW Radio Beautiful Theatre from 1941 through to the late 1960s. The modifications to the building to facilitate this use were designed by George N. Kenworthy, a noted theatre architect. The remodelling works comprised:

- (a) Demolition of most portions of the roof, addition of a new concrete roof and new false ceiling;
- (b) New concrete/steel bracing structure along existing walls at rear section to support a new rooftop radio mast;
- (c) New rendered fibre rock pilasters and wall cladding in the auditorium area;
- (d) New stage, proscenium and stairs, as depicted in the photographs in Figure 78 below;
- (e) New service and accessory rooms;
- (f) Removal of the globe at front parapet and addition of the new radio tower above roof; and
- (g) Bricking-up front windows.



Figure 78: 1944 photographs of internal views within the 2UW radio theatre

132. These interiors are still in evidence at the first and second levels of the building, but in a deteriorated and fire damaged state, with the various uses of the theatre area since the 1960s adding to the accretion of internal fabric.
133. The facade of the building above the awning to George Street is reasonably intact and of Victorian Romanesque style, with a 3-storey form, featuring rendered and strongly modelled semi-circular arches.
134. The ground level of the building has lost all of its original form and features and all the windows in the facade above are blocked, with the arches on the southernmost bay removed and two square-head double hung windows added, as indicated in Figure 79 below.



Figure 79: Photograph of the upper facade of the former Globe Theatre building

135. Overall, however, the building has lost the integrity of the former Globe Theatre use, with the original internal form of the original theatre hardly identifiable. It is possible that some of the 1914 internal features, such as the arches and dome structure, may remain.
136. The design of the facade echoes the style and details of Queen Victoria Building on the opposite side of George Street. It is also of a similar form and scale to the State Theatre Annex building on the southern side of Dudley House. Along with Dudley House, they form a symmetrically configured historical building group opposite the Queen Victoria Building, which currently contribute to the historical setting of the locality.
137. The second theatre use as the 2UW Radio Beautiful, retains much of its internal 1940s form and details in spite of later modifications. The extant interior can be regarded as a good surviving example of an inter-war era radio theatre, albeit in a deteriorated and fire damaged state, as indicated in the photographs in Figure 80 below.

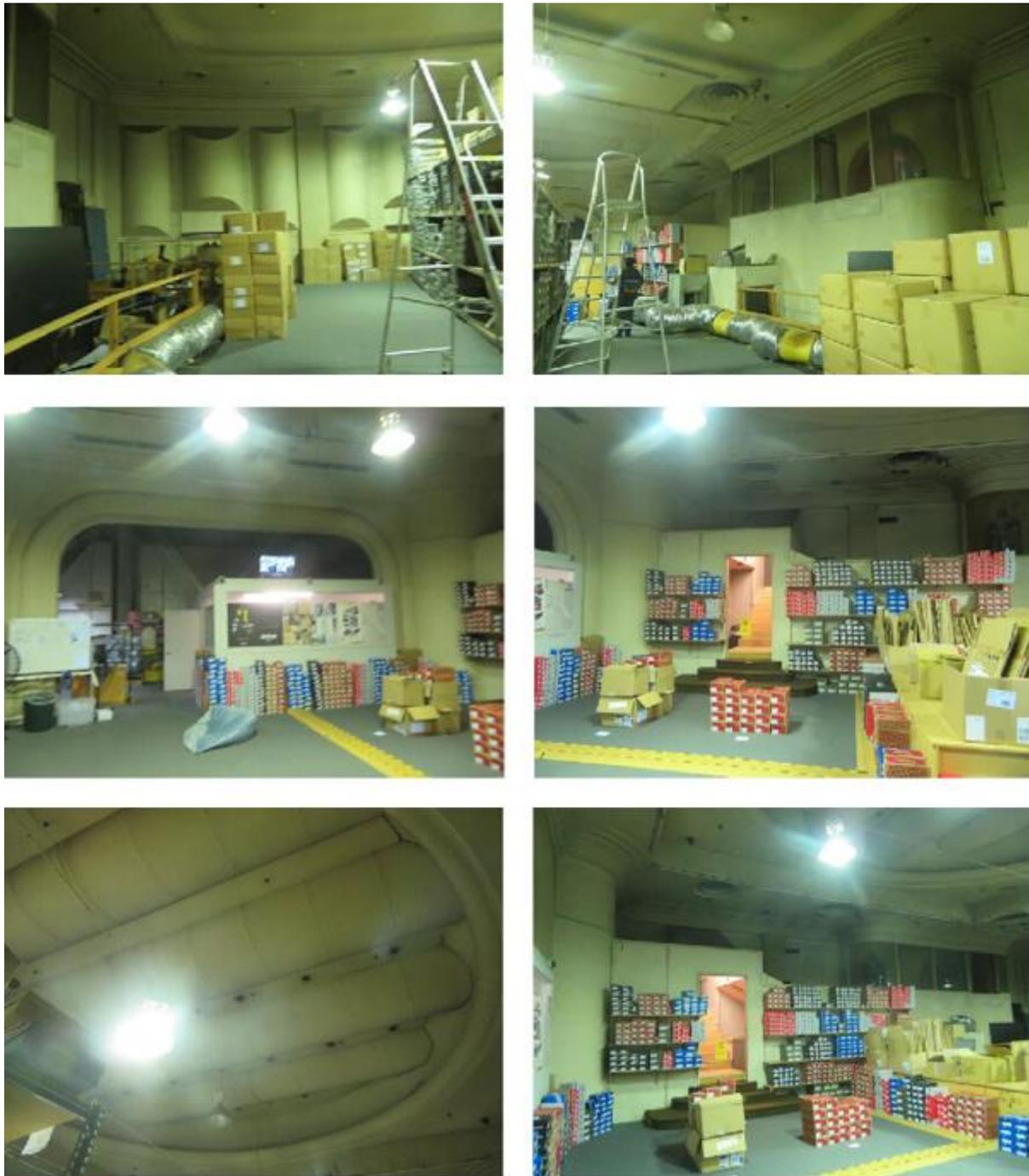


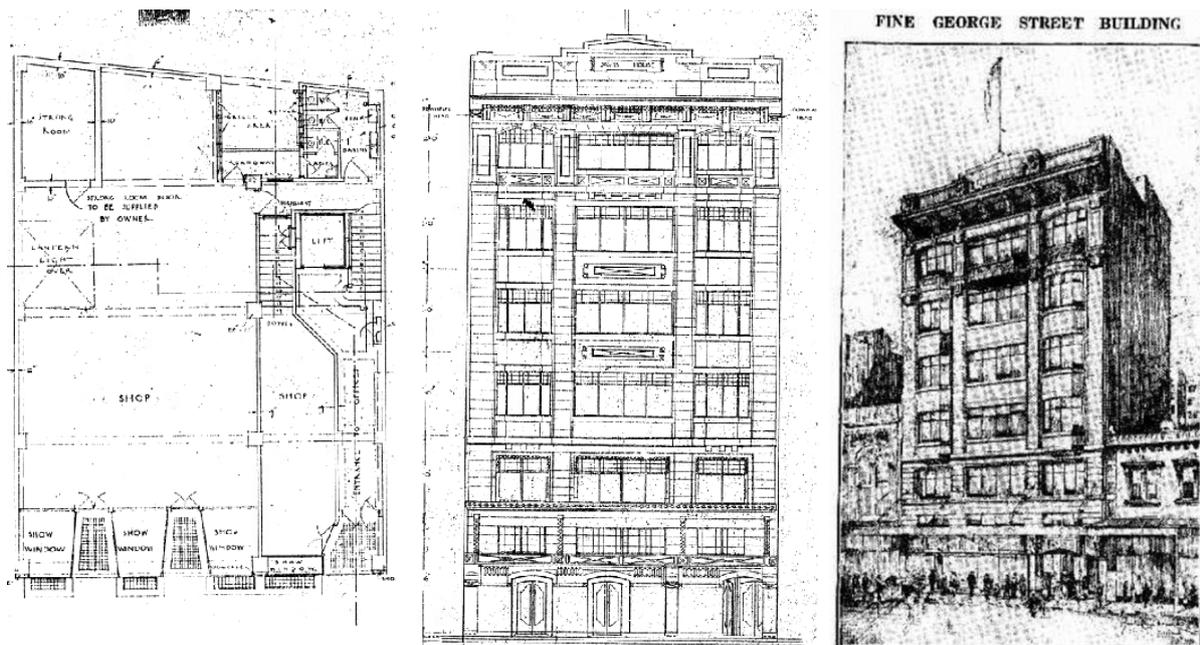
Figure 80: Photographs of existing internal views within the former radio theatre

138. A Hazardous Building Materials Survey report submitted with the application states that the interiors within the auditorium contain hazardous substances, including asbestos within the deteriorated fibro cladding, lead paint, polychlorinated biphenyls (PCBs) and synthetic mineral fibre (SMF) materials, which would significantly curtail future repair or reuse of the auditorium.
139. The demolition of the building is supported on balance, in light of the significantly onerous restoration and reconstruction works required to bring the theatre back to work, particularly with respect to hazardous materials within the building.

140. Potential future uses of the auditorium would give rise to substantial Building Code of Australia compliance issues and involve major changes to the remnant building fabric, which would serve to undermine conservation of significance.
141. Given that the significance of the site lies in its historical use as the Globe Theatre and 2UW Radio Theatre, the City's Heritage Specialist has raised no objection to the demolition of the building. The advice received notes that an alternative and acceptable heritage solution is to ensure an appropriate interpretative reconstruction of the radio theatre within the auditorium proposed in the new development, including its key design features.
142. A range of conditions are recommended in Attachment A in order to require implementation of this approach, as follows:
- (a) The interpretative reconstruction of the theatre to faithfully reflect and interpret the extant radio theatre, including its overall layout, proscenium, ceiling and wall design details;
 - (b) The further development of the design details, finishes, use and management plan for the reconstruction, including consultation with interested groups or individuals and an internal design strategy demonstrating how the proposed auditorium interprets the radio theatre;
 - (c) A comprehensive heritage interpretation of the former Globe Theatre and radio theatre use of the site to be committed to and incorporated into the design, focusing on theatrical themes. The heritage interpretation is to be located in Parlour Lane and the communal internal spaces of the new building, with consideration given to:
 - (i) incorporating theatrical public art on Parlour Lane, including the soffit of the walkway link built above the lane;
 - (ii) an internal space specially dedicated for heritage interpretation, such as a theatrical display room or mini museum for historical collections relating to both the State Theatre and former Globe Theatre; and
 - (iii) display of a physical model of the Globe Theatre and the later radio mast;
 - (d) Photographic archival recording, including all extant fabric and interiors; and
 - (e) Detailed controls for stripping out and material salvage works.

Demolition of Dudley House

143. Dudley House has no formal statutory heritage status under either the Heritage Act, 1977, the Sydney LEP 2012, or the draft Planning Proposal - Central Sydney and accompanying Central Sydney Planning Strategy.
144. The building was designed by Burcham Clamp and Mackellar in 1922 for Joe Davis Limited (a jeweller) and completed one year later. The Evening News (Monday 17 March 1924) reported that the building was erected of reinforced concrete throughout, with the ground floor containing two shops while the upper floors provide for 40 offices or sample rooms, the internal partitions throughout were formed of coke breeze, and Queensland maple was used for the whole of the internal joinery work.



Figures 81, 82 and 83: 1922 detail ground floor plan (left), 1922 George Street elevation (centre) and extract from the Daily Telegraph, 3 October 1923, showing the original form of Dudley House

145. The building appears to have first been known as Davis House or Baret House, but the Dudley House building signage had been installed on the building by 1929. The floors of the building were occupied by different tenants for commercial uses, with the ground level occupied by NSW Rural Bank from the 1950s to the 1980s and then later leased to Lowes for a men's clothing store. The upper levels have generally been used as commercial office, business and retail premises uses since its construction.
146. The extant facade above the awning appears to be a modified version of the original design, with many of the decorative elements shown on the original drawing not built, as demonstrated in the photograph in Figure 84 below.



Figure 84: Photograph of the upper facade of Dudley House

147. Internally, the modifications to Dudley House mainly occurred at the ground level over the course of its history. The changes to the upper levels appear to be moderate, with the main layout and fabric largely remaining intact. The remaining internal features include tiled dado to the stairwell, terrazzo stairs, timber door and window joinery, and chamfered edges of the concrete columns and beams. The condition and integrity of the building above the ground level appears to be reasonably good, as indicated in the photographs included in Figure 85 below.



Figure 85: Photographs of existing typical internal views within the upper levels of Dudley House

148. Dudley House has now been in its location on George Street for almost a century, with its height comfortably compatible with the Queen Victoria Building opposite. Along with the former Globe Theatre and State Theatre Annex building, they form a symmetrically configured historical building group. The building facade contributes to the historical setting of the Queen Victoria Building, State Theatre and former Gowings building.
149. Heritage listing of the building was considered by the City of Sydney in the early 1990s but not taken up, following a number of reports on its historical provenance. This was presumably because the reports by Perumal Murphy Conservation and Environmental Planners in 1990 and Woods Bagot and Ian Sabback of MFM Architects in 1989 concluded that:
 - (a) The building could not be considered a good example of Chicagoesque architecture;

- (b) The building was poorly preserved with no original fabric left below the awning level and evidence of remodelling of the above-awning face, resulting in some loss of original detail, with no evidence of historical significance; and
- (c) It did not justify listing as a heritage item.
150. The City's Heritage Specialist has advised that Dudley House is not an exceptional example of its style, or an example of exceptional work by Burcham Clamp and Mackellar. While its overall integrity is comparable to other local heritage buildings of the same age, the building has no particular defining or distinctive aesthetic attributes or demonstrates any special technical achievements in construction.
151. On balance, its demolition is supported, given the heritage benefits of the proposed development offset the resultant impacts. The demolition of Dudley House provides Parlour Lane with extended egress to George Street and the capacity to activate the lane, increasing its capacity for use by State Theatre patrons.
152. Furthermore, excavation and construction of dedicated loading facilities connected to the backstage of the State Theatre will significantly improve its serviceability and functionality. This will include direct vehicle access with a turntable, side-of stage storage and new Building Code of Australia compliant fire egress tunnels and stairs, as depicted in Figure 86 below.

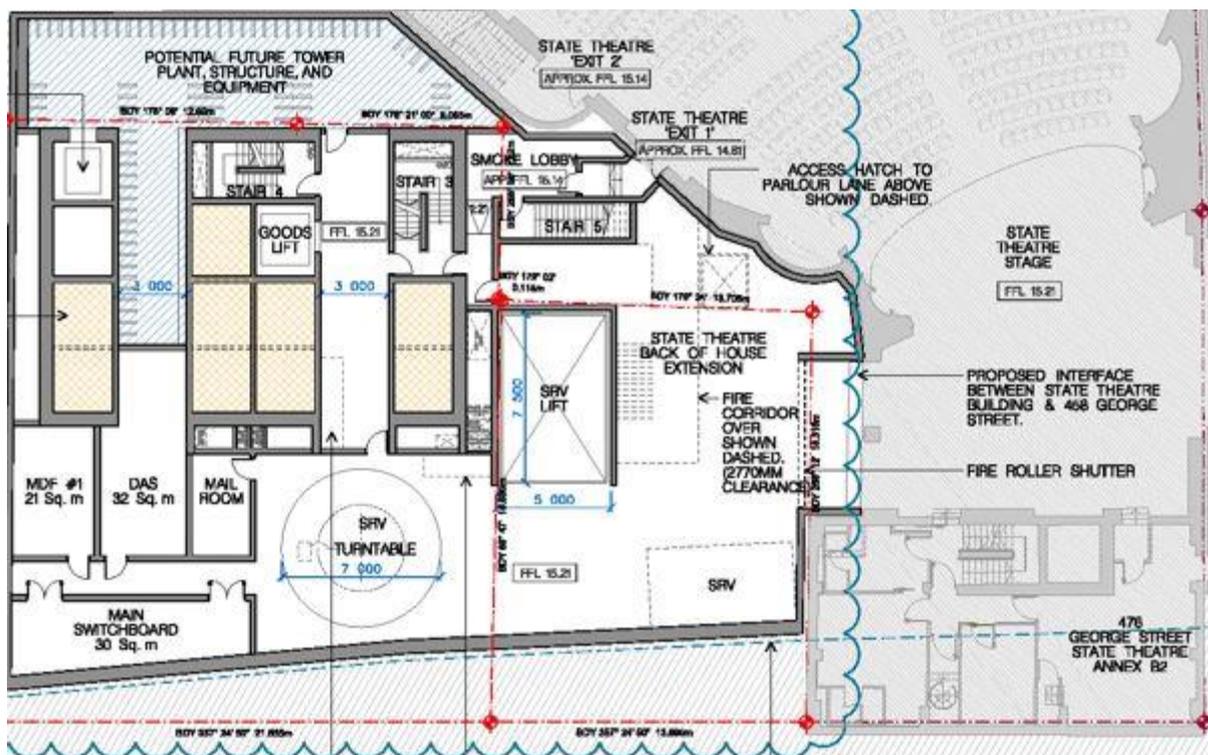


Figure 86: Extract of the basement level 1 floor plan, showing expanded back of house area, loading and servicing facilities and upgraded fire egress

153. The demolition of both the former Globe Theatre building and Dudley House, and the proposed new development, overall have a positive heritage impact on the significance of the State Theatre as a viable working theatre.

154. The proposal allows for expanded back of house facilities that substantially improve and safeguard the theatre's ongoing historic theatrical role.

Archaeology

155. The provisions of Section 3.9.3 of the Sydney DCP 2012 require the submission of an archaeological assessment report with development applications for sites which may have archaeological potential.
156. The former Globe Theatre, Dudley House and Parlour Lane are all identified as having archaeological potential in the Central Sydney Archaeological Zoning Plan 1992.
157. An archaeological assessment report submitted with the application concludes that historical archaeological resources that may be present within the study area which have association with the construction activities and phases of occupation would likely be of local significance.
158. A Section 140 permit for test excavation has been issued by Heritage NSW on 11 March 2020 under the provisions of the Heritage Act, 1977, with the approved test trench locations indicated in Figure 87 below.

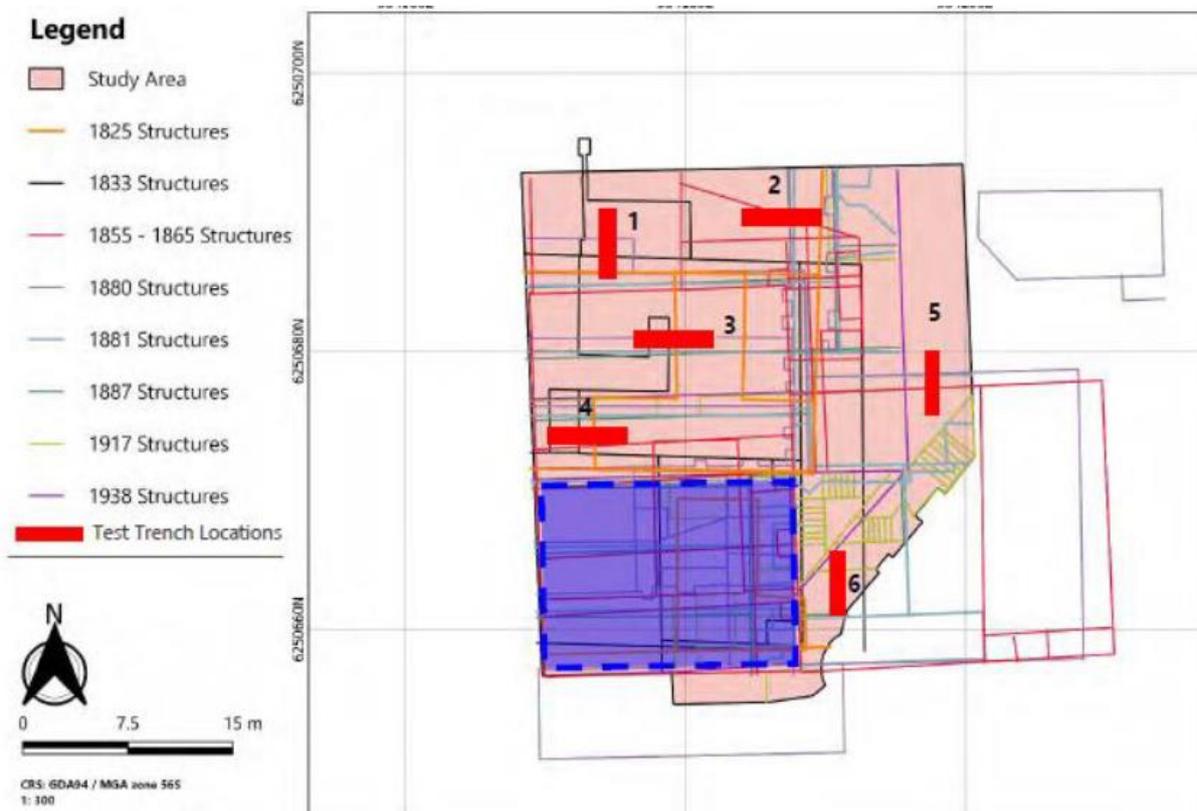


Figure 87: Extract from the 'Historical Archaeological Assessment and Research Design' (Curio Projects) illustrating the archaeological study area within the site, including historic structures and test trench locations indicated in red.

159. A condition is recommended in Attachment A requiring archaeological investigation of the site.

Impact of excavation

160. The provisions of Section 3.9.13 of the Sydney DCP 2012 require the submission of structural and geotechnical engineering reports for any development applications proposing excavation beneath and adjacent to heritage items.
161. The proposed excavation for the new basement of the development is located immediately adjacent to the State Theatre and former Shopping Block building and former Gowings building.
162. Structural and geotechnical reports have been submitted with the original and amended applications, which conclude that the proposed excavation can be carried out in a manner which will not result in adverse impacts on either of the immediately adjoining heritage items.
163. As excavation works have the potential to affect adjacent masonry walls and their footings, due to the potential ground lateral movement and vibrations caused by the excavation, conditions have been recommended in Attachment A to ensure that excavation activities must avoid the footings of these walls. These include special measures required to ensure excavation, dewatering and vibrations do not damage the heritage significance of the State Theatre and former Gowings building.
164. The geotechnical report suggests that sandstone harvesting is impractical and anticipates that underpinning will be required to the footings of Gowings Building and State Theatre. The suggestion that the harvesting of sandstone is impractical is not concurred with, and the City's standard condition requiring investigation of sandstone recycling is recommended in Attachment A.
165. The structural design by Arup depicts the structural construction solutions to protect the adjacent the railway tunnels and heritage buildings.
166. Subject to the excavation-related conditions recommended in Attachment A, the relevant objectives and provisions of the Sydney DCP 2012 outlined above have been adequately addressed

Proposed new building and its associated impacts

167. The interfaces of the new building with the former Gowings building, State Theatre and former Shopping Block building, and with Parlour Lane, are assessed under the headings above.
168. The existing location is characterised by buildings with varying street wall heights, as depicted within the axonometric and elevation drawings reproduced in Figure 88 below.

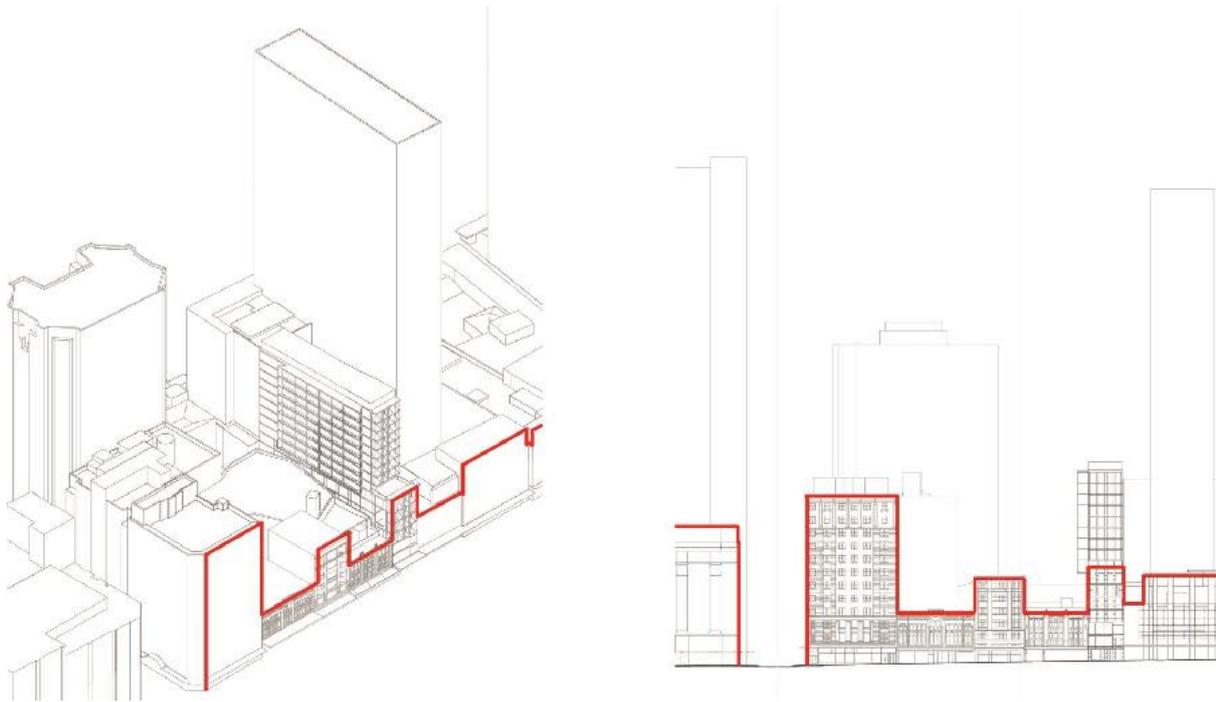


Figure 88: Extract from 'Facade Design Development Report (Candalepas Associates), showing axonometric and elevation drawings of the street wall heights along the eastern side of George St

169. Extensive consideration of street wall height has been undertaken in the formulation of the proposed development, including thorough examination of the relationship between the development on the eastern side of George Street and the Queen Victoria Building on its western side.
170. These are compared in a composite drawing reproduced in Figure 89 below.

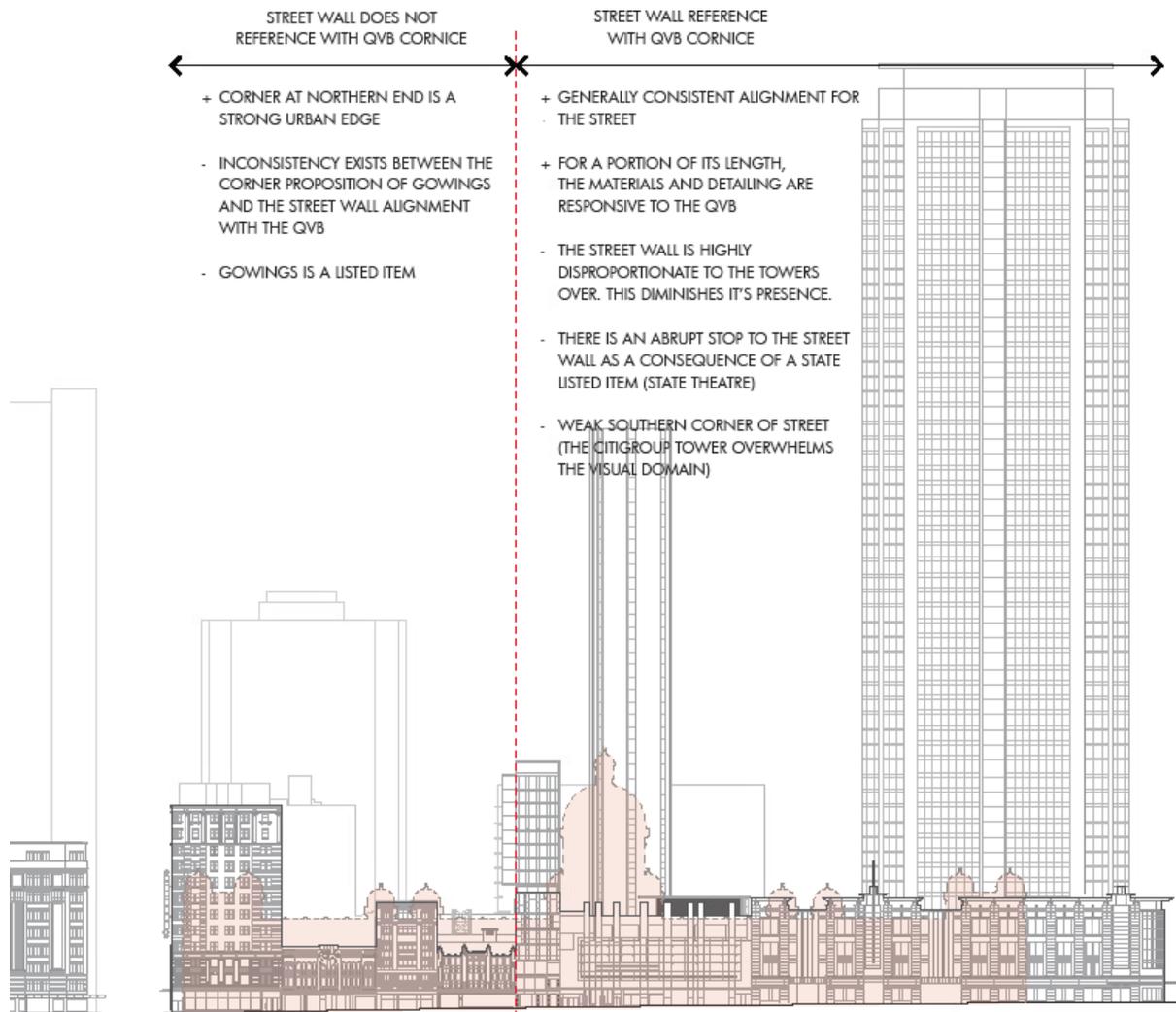


Figure 89: Extract from 'Urban Propositions' (Candalepas Associates), illustrating street wall considerations along the eastern side of George St, with the silhouette of the QVB superimposed over

171. The street wall height of the new building is proposed to match that of the former Gowings building, rather than that of the buildings to the south of the site.
172. The application is accompanied by a wide-ranging analysis of a variety of street wall height options within the locality, responding to the DAP advice provided on 13 December 2018. These include street views of a range of different designs, exploring lower street wall heights and setbacks from George Street, as depicted within Figures 90, 91, 92, 93, 94 and 95 below.

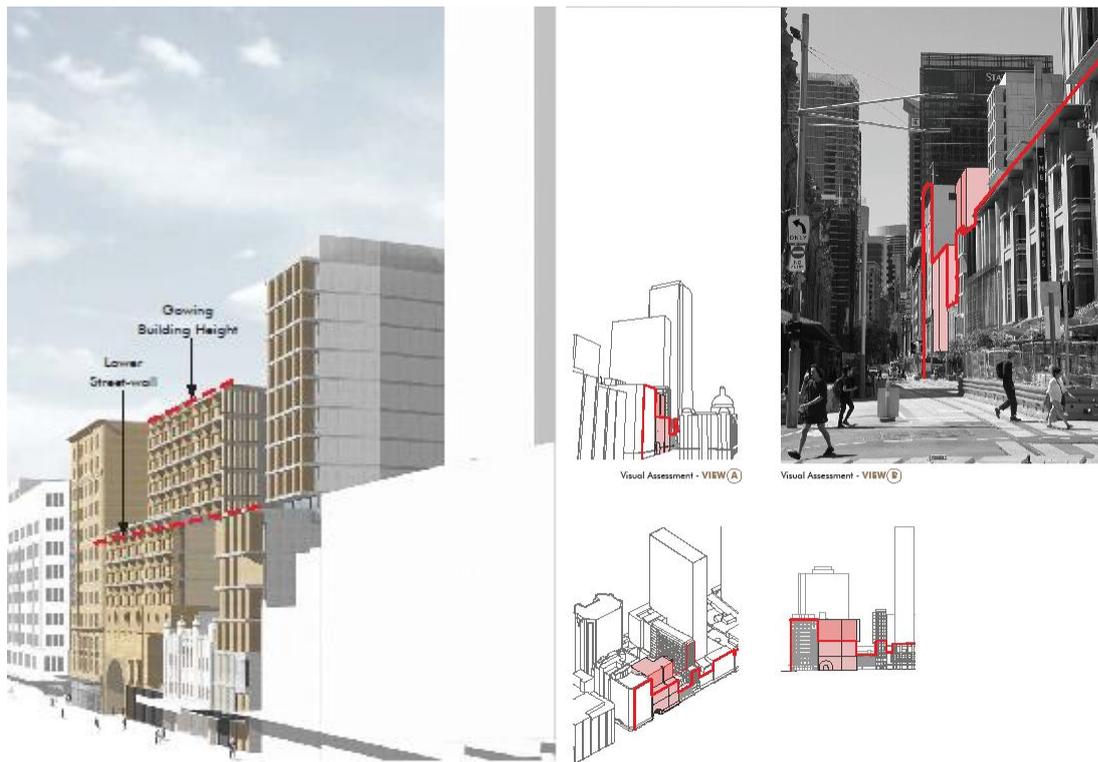


Figure 90: Extract from 'Facade Design Development Report (Candalepas Associates), showing an option matching the Gowings building height, setbacks and street wall height of buildings to the south

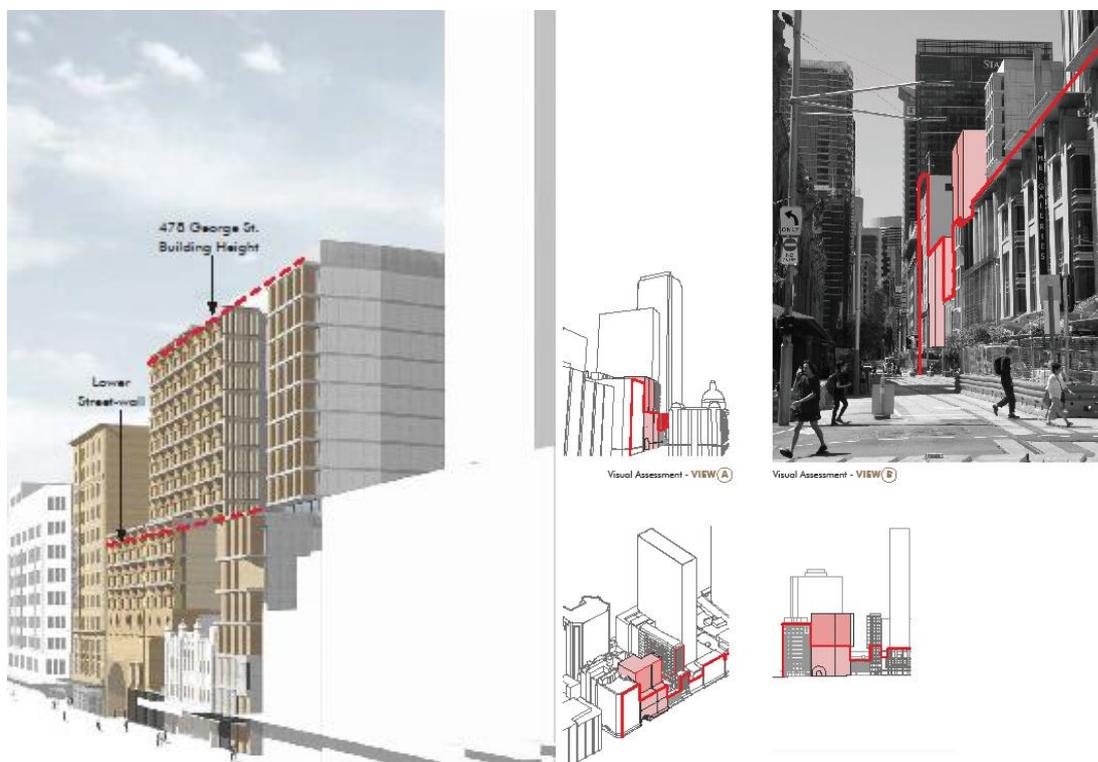


Figure 91: Extract from 'Facade Design Development Report (Candalepas Associates), showing an option matching the overall height, setbacks and street wall height of buildings to the south

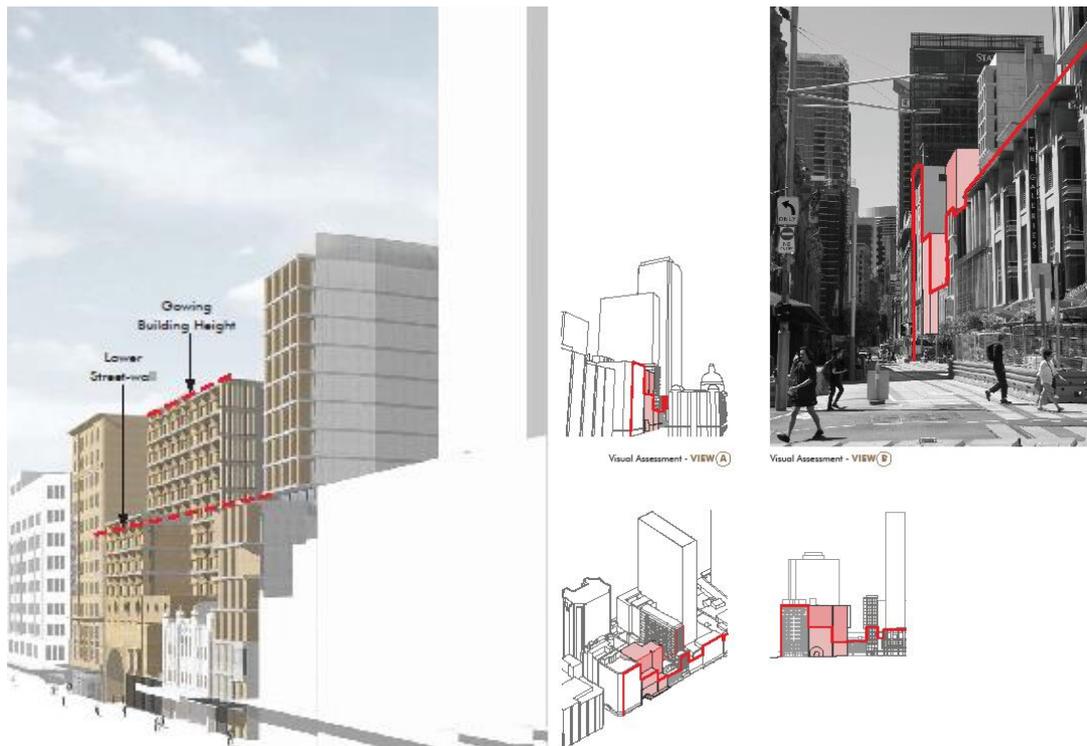


Figure 92: Extract from 'Facade Design Development Report (Candalepas Associates), showing an option matching the Gowings building height, street wall height and setbacks of buildings to the south

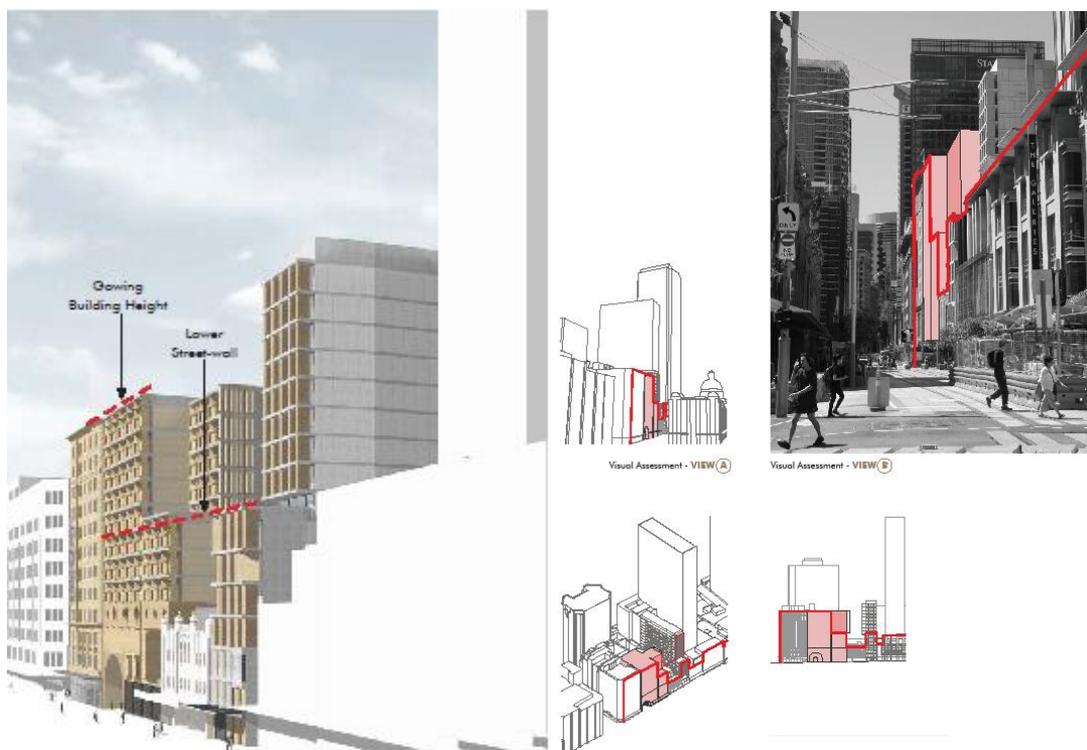


Figure 93: Extract from 'Facade Design Development Report (Candalepas Associates), showing an option matching the Gowings building height, street wall height and setbacks of buildings to the south

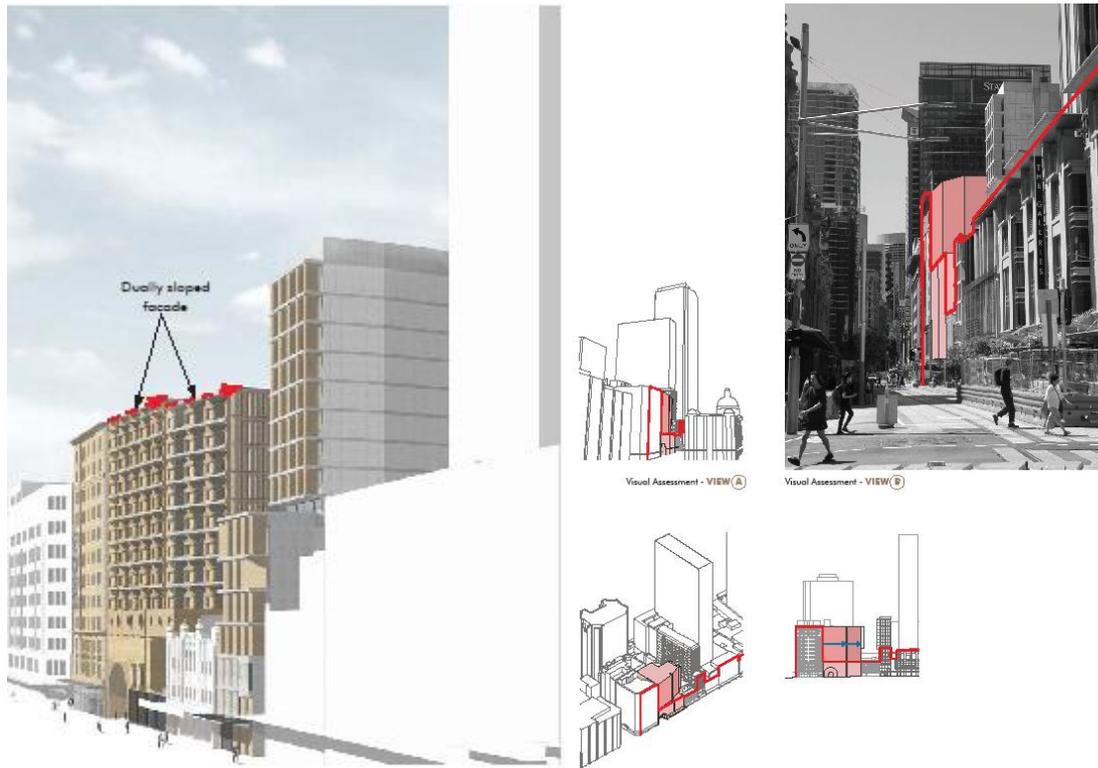


Figure 94: Extract from 'Facade Design Development Report (Candalepas Associates), showing an option matching the Gowings building height, indicating a dually sloped facade



Figure 95: Extract from 'Facade Design Development Report (Candalepas Associates), showing an option matching the Gowings building height, street wall height of buildings to the south, with a single sloped facade

173. These design options do not respond as well to the site context and constraints as the final design option does, which forms the basis of architectural drawings included in Attachment B.
174. This latter design acknowledges the height of the street wall to the buildings to the south through the inclusion of glass within the columns above that height, while incorporating a single sloped facade with a significant proportion of sandstone, to balance the stone facades of the Queen Victoria Building opposite, as indicated in Figure 96 below.
175. The receding design of the portion of the building above the southern part of the building podium provides a subtle acknowledgement of the lower street frontage height established by the existing buildings proposed to be demolished and the street frontage height of adjoining buildings.

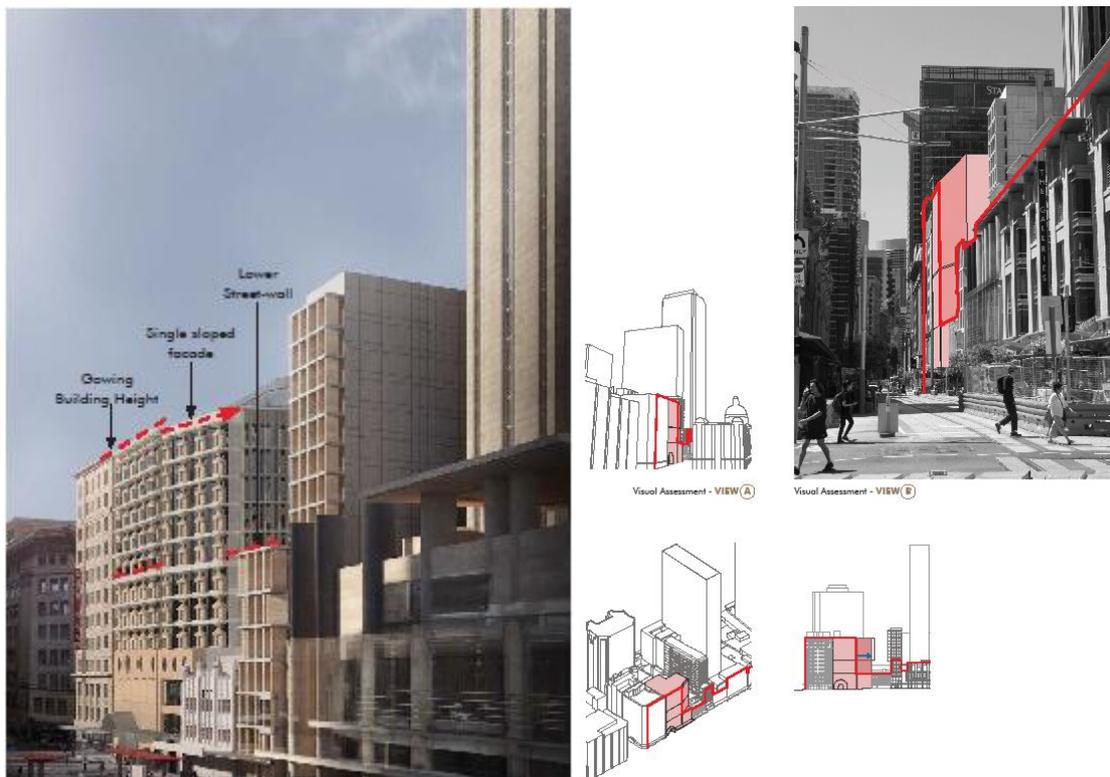


Figure 96: Extract from 'Facade Design Development Report (Candalepas Associates), illustrating the street wall height analysis associated with the final architectural design option for the site

176. The proposed new building includes an articulated facade on its southern and eastern sides, overhanging the State Theatre Annex building and Parlour Lane, encroaching into the air space and visual curtilage of the State Theatre site.
177. These facade features intend to provide a compatible architectural dialogue with the design of the Event Hospitality and Entertainment head office building at 478-480 George Street, Sydney, which has a similar overhanging facade feature to its northern elevation. The features serve to add visual interest to the backdrop of the State Theatre Annex building. Due to its setback from George Street, the overhanging facade feature will have an acceptable heritage impact on the significance of the State Theatre.

178. As discussed elsewhere in this report, the height, setbacks, expression and design details of the new building to its George Street frontage combine to exhibit design excellence in accordance the Sydney LEP 2012. It complies with the key height and density development standards and is acceptable overall with regard to the relevant objectives of the Sydney DCP 2012 relating to bulk, massing, and building exteriors.
179. Most importantly, the new building delivers a range of benefits to facilitate the ongoing use of the State Theatre, which is identified in its State Heritage Register listing as being an item of national heritage significance at an exceptional level. These include that:
- The proposed basement will provide improved stage access and back of house storage facilities to support and enhance the longer term production capabilities of the building;
 - The basement portion of the new building will include a dedicated vehicle loading dock with turntable, side-of-stage storage and new compliant fire egress tunnels and stairs;
 - This will provide the State Theatre with critical support spaces which would not be possible without accessing the subterranean space beneath the former Globe Theatre and Dudley House;
 - The provision of functional backstage storage and access spaces will ensure the longevity of the State Theatre use on the site, and will support its continued use and conservation;
 - The proposal reconfigures the existing fire egress tunnels and provides upgraded, Building Code of Australia-compliant fire egress from within the proposed basement;
 - Upgrading of services which support the functioning of the State Theatre would not be possible without accessing the subterranean space beneath the former Globe Theatre, Dudley House and Parlour Lane;
 - Adaptation of the former Gowings building and the State Theatre and former State Shopping Block upper levels for the QT Hotel has already occurred. The hotel operates across both heritage buildings, providing a unique hotel offering incorporating the diverse character of each building;
 - To facilitate the continued success of the hotel, the new building will provide additional hotel rooms, in addition to an auditorium and conference spaces in a new extension;
 - Fostering the existing hotel use by providing additional space to meet existing demand will result in heritage benefits to the former Gowings building and State Theatre and former State Shopping Block, by facilitating the continuation of the hotel use and associated conservation of the place;
 - The form of the new building directly responds to the former Gowings building in scale, massing and materiality in a contemporary manner, and will incorporate opportunities for heritage interpretation; and

- The provision of conference facilities and auditorium also allows for the detailed reconstruction of the 2UW Radio Theatre within the new building, and extensive heritage interpretation strategy for the site, as outlined above under the discussion provided in relation to the former Globe Theatre.

Development in vicinity of heritage items

180. Clause 5.10 of the Sydney LEP 2012 and Section 3.9.5 of the Sydney LEP 2012 require the consideration of the visual impacts of development on heritage items within the vicinity of a development site, including significant views to the site as depicted in Figure 97 below.



VIEW A
Anything that enables a clearer reading of State Theatre's two façades is considered to add to how it is understood.

LEGEND
 STATE HERITAGE LISTING
 LOCAL HERITAGE LISTING
 DRAFT HERITAGE LISTING



VIEW B
Anything that enables the reading of multiple state listed buildings is considered an improvement to understanding heritage.

Figure 97: Extract from 'Urban Propositions' (Candalepas Associates), illustrating significant views to State listed heritage items within the locality

181. The City's Heritage Specialist has advised that the proposed development has an acceptable impact on the settings of the various heritage items within the vicinity of the site, including the Queen Victoria Building, State Theatre and former State Shopping Block building, and the former Gowings building.
182. The alterations to the State Theatre, including to Parlour Lane and the subterranean area, have acceptable impacts, as discussed under the relevant headings above. The works will improve the functionality of the lane, backstage area and theatre fire egress stairs.
183. While there are some impacts to the significance of the former Gowings building, given the loss of views to, and windows within its currently exposed southern elevation, this is acceptable on balance, given the benefits associated with the new development which are outlined under the headings above.
184. As such, the proposal satisfies the above-mentioned requirements of the Sydney LEP 2012 and Sydney DCP 2012.

Site specific development control plan and competitive design process

185. The site is located in Central Sydney and the site area exceeds 1,500 square metres. The proposal triggers requirements for a site specific development control plan (DCP) and competitive design process, under the provisions of Clauses 7.20(2)(a) and 6.21(5)(c) of the Sydney LEP 2012, respectively.
186. Clause 7.20(3) and Clause 6.21(6) of the Sydney LEP 2012 also specify that these requirements can be waived if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstance of the development.
187. The applicant has requested that the requirements for the preparation of a site specific DCP and competitive design process be waived for the following reasons:
 - (a) The proposal involves only minor alterations and additions, with acceptable impacts to the State Theatre and former Gowings buildings at 49-51 Market Street, Sydney;
 - (b) The substantive works proposed under the application relate to the properties at 458-466 George Street, Sydney, and 468-472 George Street, Sydney, which have a combined area of only 836 square metres;
 - (c) The proposal is below 55 metres in height, has a capital investment value considerably less than \$100,000,000, and a requirement for either process is not triggered on this basis;
 - (d) The site's total combined area is the numerical condition which results in the application of the requirements of the above-mentioned clauses;
 - (e) The remainder of the site and existing buildings at 49-51 Market Street, Sydney, are largely unaffected by the proposal;
 - (f) The specific works to this site include new openings to permit circulation between buildings, rear additions comprising additional hotel rooms, reconfigured basement egress stairs and a single storey rooftop addition, which comprise:
 - (i) Alterations and additions only;

- (ii) Minor increases to height and floor area, relative to the size of the existing buildings;
- (iii) Works which respect the heritage significance of the site and which will not be readily seen from the public domain;
- (iv) Works which will be recessive to the existing form and aesthetic presentation of the existing buildings; and
- (v) Visually lightweight structures, setback above the roof parapet.

188. In the specific circumstances of the proposed development, the requirement for the preparation of a DCP and competitive design process are unreasonable or unnecessary for the following reasons:

- (a) The proposal is compliant with the maximum height and FSR development standards applicable to the site;
- (b) The proposed development satisfies the design excellence criteria in Clause 6.21 of Sydney LEP 2012 as discussed elsewhere in this report, subject to the recommended conditions in Attachment A;
- (c) The proposal does not seek the any award of up to 10% additional height or FSR available under the City's design excellence provisions;
- (d) The proposal does not exceed a height of 55 metres, or a capital investment value of \$100,000,000, which are separate triggers for the preparation of a development control plan and competitive design process;
- (e) The trigger for the requirement for a site-specific DCP and a competitive design process is Clause 7.20(2)(a) where the land is in Central Sydney and the site area for the proposed development exceeds 1,500 square metres. The applicant submits that substantive works proposed relate only to the two unlisted buildings and on this basis, the relevant site area is 836 square metres. There are only minor works proposed to the remainder of the site;
- (f) This approach is reasonable and acceptable in the specific circumstances of the proposed development, given that the alterations and additions proposed to the State Theatre and former Gowings buildings also satisfy the relevant provisions of Clause 7.20(3)(a), (b), (c) and (d) and Clause 6.21(6)(a), (b), (c) and (d), given that they:
 - (i) Include only alterations and additions to existing buildings;
 - (ii) Do not significantly increase the height or gross floor area of the existing buildings;
 - (iii) Do not result in any significantly adverse impacts on adjoining buildings or the public domain; and
 - (iv) Do not significantly alter views of the building from public places.

- (g) The development proposes a building height that is appropriate and compatible for the site, designed in accordance with the heritage context of the locality, ensuring building elements achieve an appropriate transition in height to neighbouring buildings;
 - (h) The density of the proposal is proportionate with the existing development within the locality;
 - (i) Shadow diagrams demonstrate that it will not result in any additional overshadowing to certain public spaces, notably Sydney Town Hall steps and Sydney Square, as mandated in Clause 6.19 of Sydney LEP 2012;
 - (j) The proposal is generally acceptable with regard to other planning controls prescribed in the Sydney DCP 2012, as outlined in the tables provided above; and
 - (k) The development provides an acceptable degree of amenity for future occupants and does not result in significantly adverse impacts on the neighbouring properties and the locality.
189. Clause 7.20(4) of the Sydney LEP 2012 sets out matters must be addressed in a site-specific development control plan. The proposal satisfies the criteria in Clause 7.20(4) as detailed below:
- (a) *requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain*

The proposed form and external appearance of the new building will provide a positive contribution to the public domain. It is appropriate to its context and is compatible with the surrounding development. The proposal will also improve activation of George Street and provide adequate weather protection for pedestrians.
 - (b) *requirements to minimise the detrimental impact of proposed development on view corridors*

The proposed development is located approximately 78 metres below the potential maximum height control and the siting, massing and setbacks of the new building are contained within the extent of the bulk of the former Gowings building. Overall the proposal will not result in any significantly detrimental impacts on view corridors.
 - (c) *how proposed development addresses the following matters—*
 - (i) *the suitability of the land for development,*
 - (ii) *the existing and proposed uses and use mix,*
 - (iii) *any heritage issues and streetscape constraints,*
 - (iv) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

- (v) *the bulk, massing and modulation of buildings,*
- (vi) *street frontage heights,*
- (vii) *environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
- (viii) *the achievement of the principles of ecologically sustainable development,*
- (ix) *the impact on, and any proposed improvements to, the public domain,*
- (x) *the impact on any special character area,*
- (xi) *achieving appropriate interface at ground level between the building and the public domain,*
- (xii) *the excellence and integration of landscape design,*
- (xiii) *the incorporation of high quality public art into the fabric of buildings in the public domain or in other areas to which the public has access.*

The proposal addresses the above matters in the following manner:

- It comprises a mixed-use development, including retail premises, hotel accommodation, function centre, food and drink premises and entertainment facility uses, which are all permissible within the B8 Metropolitan Centre;
- The proposed use will replace existing retail and office premises with a higher density mixed use development, which is consistent with the objectives of the land use zone by providing employment generating uses;
- The proposed bulk, scale and massing of the development, including its street frontage height, responds appropriately to the existing adjoining development and is consistent with the character of the streetscape;
- Subject to the recommended conditions in Attachment A, it will not have adverse environmental impacts by way of overshadowing, visual and acoustic privacy, noise, wind and reflectivity;
- The application is accompanied by an ESD report which identifies a range of sustainability measures to be incorporated in the development, including energy efficiency and water use reduction initiatives;
- The proposed development is sympathetic to and compatible with the heritage items on the site, nearby heritage items and the York Street, Clarence Street and Kent Street Special Character Area located to the west, within the site's visual catchment;
- It will provide a positive contribution to the public domain, visual interest and activation to George Street;

- On-site loading and servicing within the proposed basement will improve amenity to Parlour Lane, allowing it to be more readily utilised for pedestrian purposes during the operation of the State Theatre, as discussed elsewhere in this report;
- In addition, the new building will provide better passive surveillance of Parlour Lane through the provision of multiple openings to the east (rear) elevation;
- While there are limited opportunities for landscaping due to the constraints posed by the context of the site within Sydney Central Business District and setbacks established by surrounding development generally, the outdoor terrace located on level 12 is proposed to be provided with some plantings; and
- The preliminary Public Art Plan submitted with the application indicates locations for the public artwork including Parlour Lane and the George Street facade. A condition of consent is recommended requiring the provision of a detailed public art plan to be submitted to determine the final location and type of artwork.

190. Clause 6.21(4) of the Sydney LEP 2012 sets out matters which are required to be addressed for a development to be considered to exhibit design excellence, which are consistent with the provisions in Clause 7.20(4) set out above.
191. As discussed in the assessment provided in the compliance table and with regard to Clause 7.20(4) of the Sydney LEP 2012, the proposed development is suitable for the site and demonstrates a high standard of architectural design, materials and detailing appropriate to the building type and location, subject to the recommended conditions in Attachment A.
192. In terms of form, bulk and scale, the proposal does not result in any significant impacts on view corridors and responds positively to both the public domain, adjoining development and heritage items and the surrounding land uses. It incorporates appropriate Ecologically Sustainable Development (ESD) measures and provides suitable ground level interfaces with George Street, enhancing pedestrian permeability through the site.
193. On this basis, and given the proposal demonstrates an appropriate response to the matters for consideration under Clause 7.20 and 6.21 of the Sydney LEP 2012 as detailed above, it is unlikely that a better design outcome would be achieved through imposing the requirements for site specific development control plan and a competitive design competition in this case.
194. In light of the above, there are sufficient reasons as to why a site-specific development control plan and a competitive design process is unreasonable or unnecessary in the circumstances of this development application. Pursuant to Clauses 7.20(3) and 6.21(6) of SLEP 2012, it is recommended that these requirements are waived in this instance.

Late Night Trading Management

195. The site is located within the Sydney Central Business District, within a Late Night Management Area, as identified on Sheet 015 of the *Late night trading areas map*.

196. Approval is sought for 24-hour operation of the hotel to allow appropriate check in and check-out services. The proposal also includes a cafe at ground floor, retail premises at ground floor and level 1, a bar within the pre-conference area on level 2 with a capacity of 228 patrons, and a rooftop bar and terrace, with a capacity of 320 patrons, to be accessed by public patrons in addition to hotel guests.
197. The proposed hours of operation of the cafe and bar areas are as follows:
- (a) Ground level lobby cafe: 7.00am to 12.00am midnight, Mondays to Sundays inclusive;
 - (b) Ground level and Level 1 retail premises: 7.00am to 12.00am midnight, Mondays to Sundays inclusive;
 - (c) Level 2 bar: 24-hour operation; and
 - (d) Rooftop bar and terrace: 7:00am to 12:00am midnight, Mondays to Sundays inclusive.
198. The cafe and retail premises are classified as either Category B or C premises, given that their respective fit out and licensing status is not sought under the subject application. Irrespective of this, however, the proposed trading hours fall within the base hours for late night management areas and do not require the implementation of trial trading periods.
199. The level two bar and rooftop bar are classified as Category A premises however, given that they are proposed to trade under a general bar hotel license and are proposed to have a capacity of greater than 120 patrons respectively.
200. The base internal hours for Category A premises are from 6am to midnight, with an extension up to 24 hours available subject to a trial period. The base external hours for Category A premises are from 10am to 10pm, with an extension available between 9am and 1am. Section 3.15.4 of the Sydney DCP 2012 allows for an extension beyond the base of up to two hours per trial period if Council determines that the premises will be well managed.
201. It is recommended that the level two bar is subject to a 12 month trial period for the hours between 12am midnight and 2.00am, and that the operation of the external rooftop bar terrace is subject to 12 month trial period between the hours of 9.00am and 10.00am, and between 10.00pm to 12.00am midnight, Mondays to Sundays inclusive.
202. In determining whether the proposed extended indoor and outdoor hours of operation of the bar areas are acceptable, the plan of management has been reviewed by the City's Licensed Premises Unit, and the acoustic report has been assessed by the City's Health and Building Unit.
203. The Plan of Management meets the requirements of Schedule 7 of the Sydney DCP 2012, and as such, the City's Licensed Premises Unit has recommended conditions relating to the updating of the plan to reference the approved trial trading periods, the use of CCTV, neighbourhood amenity conditions and for the plan of management to be kept on the premises at all times.

204. The City's Health and Building Unit has advised that the acoustic report is acceptable, subject to a condition requiring the external areas of the bar to cease trading at 12.00am midnight, to have a maximum patron capacity of 240 and provide no external speakers or noise amplification equipment.
205. Subject to the recommended conditions included in Attachment A, the proposed bar areas within the development have the capacity to operate with minimal impacts on the surrounding development within the locality.

Draft Planning Controls

Planning Proposal: Central Sydney 2020

206. The Planning Proposal: Central Sydney 2020 progresses key aims and objectives of the City of Sydney's Draft Central Sydney Planning Strategy, which is currently under consideration by the New South Wales Department of Planning, Industry and the Environment. This will be achieved by a range of amendments to the Sydney LEP 2012.
207. These include the updating of the objectives B8 Metropolitan Centre zone, including the addition of following:
- To promote uses with active street frontages within podiums that contribute to the vitality, life and existing character of the street.*
- To promote the efficient and orderly development of land in a compact urban centre.*
- To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.*
- To recognise and reinforce the important role that Central Sydney's public spaces, streets and their amenity play in a global city.*
- Promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.*
208. The proposed development is consistent with these new objectives, as it will provide an appropriate level of activation to George Street, provide for a range of commercial, cultural and social opportunities and employment generating uses on the site, including the continuation of the historic State Theatre use.
209. The proposal will not result in any significant detrimental impacts to the surrounding public domain within the Sydney Central Business District, subject to the conditions recommended in Attachment A.
210. The planning proposal also revises the provisions of Clause 6.19 of the Sydney LEP 2012 relating to the overshadowing of certain public places, by adding a new place to be protected from any additional overshadowing at all times of the year, between the hours of 12pm noon and sunset.
211. This place is identified as the location of the future Town Hall square, as indicated in Figure 98 below.

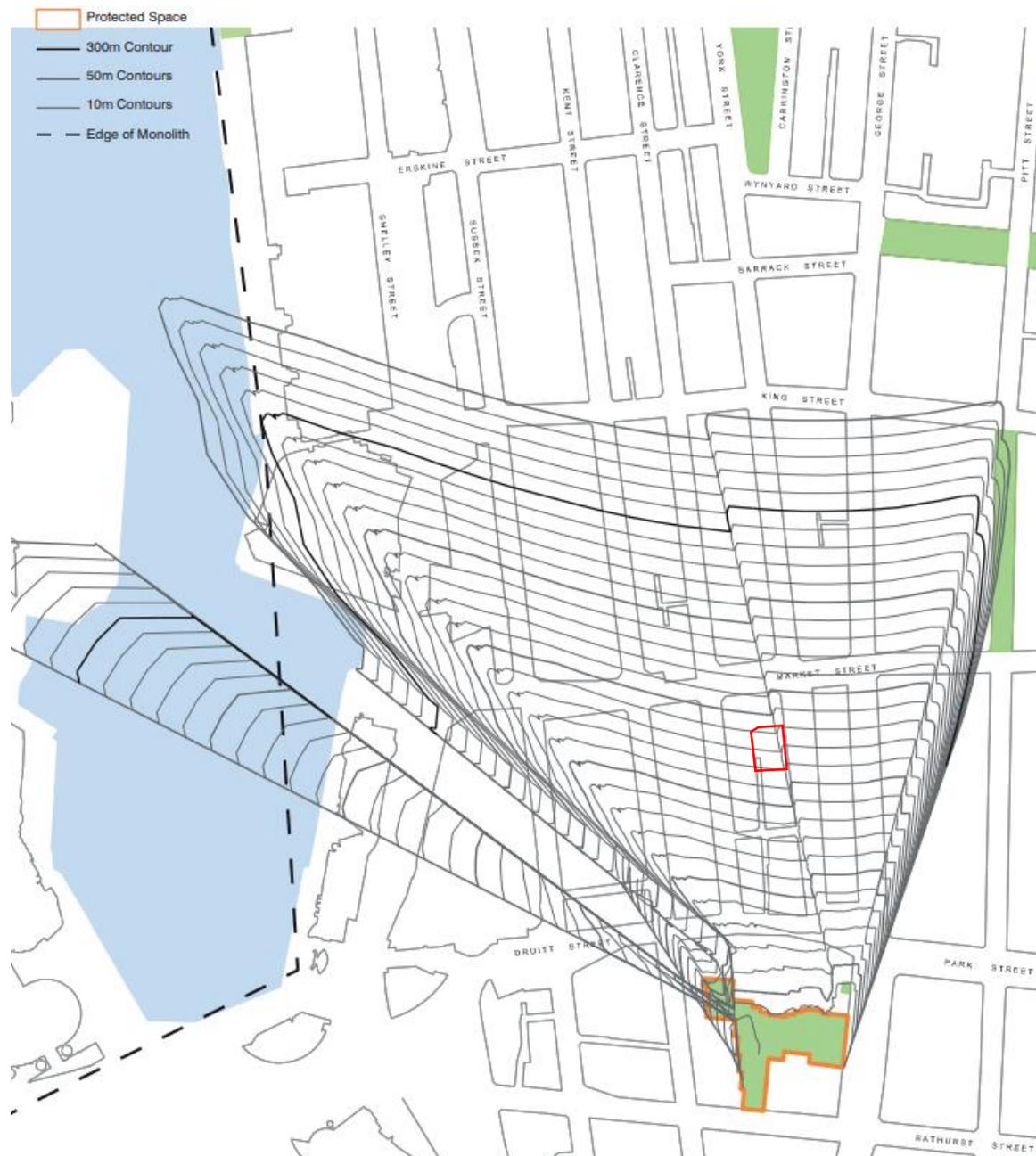


Figure 98: Extract from Appendix M of the Draft Central Sydney Planning Strategy 2016-2036, showing the extent of the Future Town Hall Square sun access protection contours, with the approximate site location noted in red

212. The Planning Proposal was recently exhibited between 1 May 2020 and 10 July 2020, and must be given weight in the assessment of the proposed development as there is now greater certainty and imminence in relation to its future gazettal.
213. Shadow diagrams accompanied the application, showing intervals between 9am and 3pm at the winter solstice (21 June).
214. These diagrams clearly demonstrate that there are no overshadowing impacts arising from the development on the location of the Future Town Hall Square, as depicted in Figures 99 and 100 below.

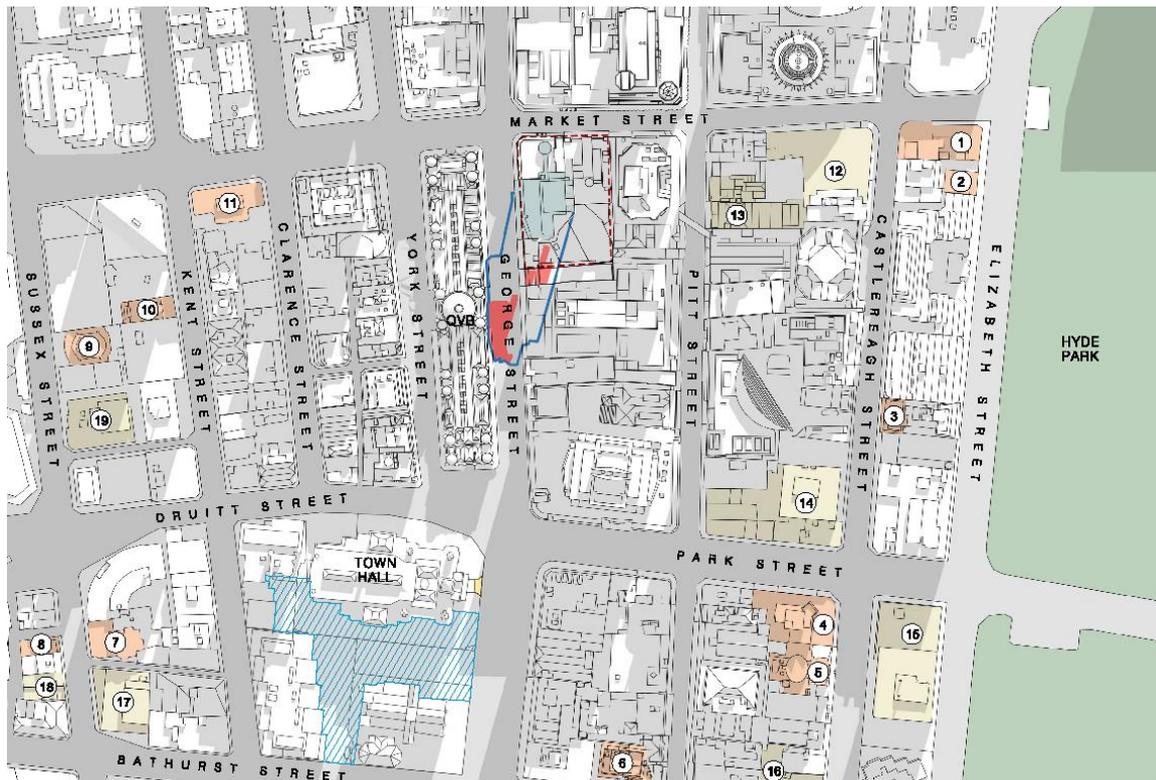


Figure 99: Extract from the 'Shadow Analysis (Sheet 2)' (Candalepas Associates), showing the extent of the overshadowing from the proposed development at 11am on 21 June in blue



Figure 100: Extract from the 'Shadow Analysis (Sheet 2)' (Candalepas Associates), showing the extent of the overshadowing from the proposed development at 12pm on 21 June in blue

Amendments to Sydney Development Control Plan 2012 – Central Sydney Planning Strategy Amendment

215. The Planning Proposal: Central Sydney 2020 also incorporates proposed amendments to the Sydney DCP 2012. The amendments relevant to the proposed development include:

- (a) The built form and related controls for Central Sydney, including those relating to:
 - (i) Street frontage heights;
 - (ii) Street, side and rear setbacks;
 - (iii) Separation;
 - (iv) Outlook and amenity;
 - (v) Heritage items;
 - (vi) Building exteriors;
 - (vii) Sun protection of public parks and places; and
 - (viii) Managing wind impacts.

216. With regard to the amended built form and related controls for Central Sydney, the proposed development:

- (a) Complies with the street frontage height provisions as it matches the height of the adjacent heritage item to the north, being the former Gowings building;
- (b) Does not comply with the setback provisions above heritage items, but remains acceptable for the reasons outlined under the Issues heading above;
- (c) Generally complies with the separation provisions between buildings on adjoining sites and within the site;
- (d) Provides acceptable outlook and amenity from the proposed hotel use;
- (e) Meets the objectives and complies with the new provisions for additions to heritage items and for development adjacent to heritage items, for the reasons outlined under the Issues heading above;
- (f) Provides a high quality architectural design, including its articulation, materials and finishes
- (g) Complies with the sun access protection provisions relating to the Future Town Hall Square; and
- (h) Does not result in any significantly adverse wind effects on the surrounding public domain or within the development.

Other Impacts of the Development

217. The proposed development can comply with the Building Code of Australia.

218. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to the recommended conditions in Attachment A.

Suitability of the Site for the Development

219. The proposal is in keeping with the desired future character for the site and locality.
220. 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

221. The application was referred to, or discussed with the City's:
- (a) Central Sydney Traffic and Transport Committee;
 - (b) Design Advisory Panel;
 - (c) Heritage Committee, established under the withdrawn development application D/2019/882;
 - (d) Building Approvals Unit;
 - (e) City Model Unit;
 - (f) Cleansing and Waste Unit;
 - (g) Environmental Projects Unit;
 - (h) Health and Building Unit;
 - (i) Heritage Specialist;
 - (j) Landscape Assessment Officer;
 - (k) Licensed Premises Unit;
 - (l) Public Art Unit;
 - (m) Public Domain Unit;
 - (n) Urban Design Specialist;
 - (o) Safe City Unit;
 - (p) Specialist Surveyor;
 - (q) Strategic Planning and Urban Design Unit; and
 - (r) Transport and Access Unit.
222. The advice of these committees, panels and Council officers raised no objections to the proposal subject to conditions, except as discussed elsewhere in this report.

223. Where appropriate, the conditions recommended by other sections of Council are included in Attachment A.

External Referrals

224. The application was referred to the following external organisations:

- (a) Ausgrid;
- (b) Heritage New South Wales;
- (c) New South Wales Police Force;
- (d) Sydney Metro;
- (e) Sydney Trains;
- (f) Sydney Water; and
- (g) Transport for New South Wales.

225. Comments and conditions received from all the relevant external referral requirements are addressed elsewhere in this report or are included in Attachment A where relevant.

Notification, Advertising and Delegation

226. The application constitutes integrated development and the application was notified and advertised between 23 August 2019 and 21 September 2019 in accordance with the requirements of subclause (1) of Clause 8A, Division 2, Part 1, Schedule 1 of Environmental Planning and Assessment Act, 1979.

227. The application was re-notified and re-advertised between 11 December 2019 and 29 January 2020 in accordance with the requirements of subclause (1) of Clause 8A, Division 2, Part 1, Schedule 1 of Environmental Planning and Assessment Act, 1979, to include the property at 458-466 George Street as a part of the development site, which had been omitted in error during the initial exhibition period.

228. The amended application submitted to Council on 17 August 2020 was not required to be notified or advertised under Clause 13, Division 2, Part 1, Schedule 1 of Environmental Planning and Assessment Act, 1979 and the City of Sydney Community Participation Plan, given the amendments do not result in significant additional environmental impacts.

229. A total of 304 properties were notified during each exhibition period. A total of 11 submissions were received by the City, raising a range of concerns in relation to the proposal. The concerns raised in each of the submissions objecting to the proposal are reproduced and addressed below.

- (a) Retention and heritage listing of the former Globe Theatre and Dudley House facades and portions of the extant building fabric
 - (i) The demolition of the facade of the former Globe Theatre should be refused. The existing ornate facade mirrors the facade of the Queen Victoria Building opposite and contributes significantly to the streetscape.
 - (ii) At least the building facade should be listed as a heritage item, or contributory to the streetscape, and incorporated into the development to offer a literal interpretation of the site history within the new building.
 - (iii) A building of similar size to that proposed could be constructed which incorporates the existing buildings into the structure.
 - (iv) The Globe's Victorian-era facade is quite stunning and rare and should not be considered for removal.
 - (v) It is unfathomable that all efforts would not be made to preserve and incorporate the facade of The Globe Theatre into any future development, at a bare minimum.
 - (vi) The rarity of the 2UW Radio Theatre also makes a strong prima facie case for the retention of upper floor and surviving fabric relating to that use.

Response - The retention of the facade of the Globe Theatre would not provide a complete reflection of the site's history, particularly given that it would only document the first theatre use of the site between 1914 and 1924. Retention of the facade above the awning would not provide any interpretation of the subsequent radio broadcasting and recording uses.

As described elsewhere in this report, the integrity and features of the facade have also been diminished throughout its history. Neither the City of Sydney, nor Heritage New South Wales have pursued or progressed the statutory heritage listing of the building in this respect.

Furthermore, the integration of the existing facade or portions of the existing buildings into a larger site redevelopment would promote facadism, which is not best heritage practice and is not supported by either the City's planning or heritage staff. The retention of the 2UW Radio Theatre would entail extremely challenging (if not impractical) rectification works, given the hazardous materials identified above in the Issues section of this report.

Retention of the existing Globe Theatre or Dudley House facades would also serve to inhibit the proposed contemporary architectural response, and delivery of a design which exhibits design excellence in accordance with the requirements of Clause 6.21 of the Sydney LEP 2012.

- (b) Historical significance of Dudley House
- (i) The demolition of a landmark George Street building designed by a distinguished architect and with high historical significance should not be supported.
 - (ii) Dudley House at 468 George Street, Sydney, was erected in 1923 and was designed by architects Burcham Clamp and Mackellar for Joe Davis Limited.
 - (iii) The building has high aesthetic significance as a building representative of a combination of architectural influences – Federation Free Classical, Federation Arts and Crafts and Inter-War Chicagoesque styles.
 - (iv) Dudley House was listed on the National Trust Register 26 years ago in June 1993 and was referenced in the Central Sydney Heritage Inventory Comprehensive Report, the 16 July, 1991 Draft Sydney Local Environmental Plan No. 99 and the January 1992 Sydney Heritage Local Environmental Plan Review.
 - (v) The Heritage Assessment accompanying the Integrated Development Application states that Dudley House is in poor/fair condition but the photographs in the Assessment show the building to be in much better condition than the poor/fair assessment.
 - (vi) The Heritage Assessment claims that the former Berlei House retains a higher level of intactness with string courses evident in the remaining facade. This is not correct as Berlei House has been almost totally modified. Dudley House is far more intact than Berlei House.
 - (vii) Dudley House is an example of an early 1920s mid-rise building, built when high rise buildings were a relatively new concept in Sydney. While it is not currently heritage listed, it is rich in character and if restored would contribute positively to the streetscape.
 - (viii) Many pre-1940s buildings in the Sydney Central Business District have been demolished and efforts should be made to preserve older buildings for future generations to see.
 - (ix) The building is historically important and rare example of Chicagoesque architecture and should not be demolished but should be protected and restored.

Response - Dudley House is not a landmark building on George Street, akin to nearby buildings which have statutory listing within the Heritage Act, 1977, such as the Queen Victoria Building, St Andrews Cathedral or the Sydney Town Hall.

Given that it has not been identified as having statutory heritage significance, the proposed demolition of the building does not contravene the heritage objectives or provisions of the Sydney LEP 2012 or Sydney DCP 2012.

While the condition and integrity of the building above the ground floor level is generally intact, the building is not a key or fine example of Burcham Clamp and Mackellar's work, having no distinctive aesthetic attributes and demonstrating no particular technical achievements in construction.

The principal spaces of the building, including the ground floor elevation and principal lobby space, have been irretrievably altered. The upper internal levels of the building are in fair condition but provide only modest examples of interwar interiors. Further, the extant facade is a modified version of the original design and many of the decorative elements shown on the original drawings did not eventuate.

It should also be noted that:

- In the late 1980s, Anglin Associates and Annette Green recommended heritage listing Dudley House in the City's Local Environmental Plan for being of "architectural and historical significance as a good and well-preserved example of its style" being of "Inter-War Stripped Classical" design;
- A follow-up report by Perumal Murphy Conservation and Environmental Planners in September 1990 noted that not only was the building of Chicagoesque, rather than 'stripped classical' style, and that it "could not be considered a good example" of either;
- This latter report also concluded that the building was poorly preserved with "no original fabric left below the awning level... evidence of remodelling of the above-awning face, resulting in some loss of original detail", with no evidence of historical significance, and that as such, it did not justify listing as a heritage item;
- Analysis by Woods Bagot and Ian Sabback of MFM Architects in 1989 also confirmed that the building should not be included in the City's Local Environmental Plan;
- In the "Review of Certain Items—Draft Central Sydney Heritage LEP" by Schwage Brooks & Partners Pty Limited, dated 31 January 1992, Dudley House was listed as a "Category 2 Building" to be considered to be of some significance;
- This report recommended that consideration could be given to the inclusion of some buildings of some cultural significance into the Schedules of the Local Environmental Plan, including that partial listing might be appropriate in the case of Dudley House, indicating that only the facade was recommended for listing; and
- While listing of Dudley House was clearly considered by the City of Sydney during the early 1990s, neither the City, nor Heritage New South Wales have pursued or progressed the statutory heritage listing of the building in this respect.

In summary, Dudley House is not an exceptional example of its style or of exceptional works by Burcham Clamp and Mackellar. While its overall integrity is comparable to other heritage buildings of the same age in Sydney, the building has no statutory heritage status and the City of Sydney has not resolved to give the building any such status.

- (c) Historical significance of the Globe Theatre as a cinema
- (i) It is astounding that the building has no formal heritage protection, with George Street once full of theatres, with the only survivors being what is left of the Globe and Plaza Theatres.
 - (ii) The demolition of a landmark George Street building designed by a distinguished architect and with high historical significance should not be supported.
 - (iii) The former Globe Theatre is the sole venue from more than a dozen theatres along George Street and Pitt Street between Hay Street and Market Street, dating from the early cinema period between 1909 to 1924 to survive in any form.
 - (iv) The former Globe Theatre was listed on the National Trust Register in March, 2017 and is historically significant as Sydney's only surviving Victorian Romanesque style theatre.
 - (v) The Globe Theatre is one of the earliest surviving movie theatres constructed in Australia and during its operation screened notable films including the premiere of the lost film "The Unknown" (1915) filmed in Newcastle.
 - (vi) In 1916, Waddington's Pictures signed a deal with Paramount Pictures/Famous Players-Lasky, rebranding The Globe as 'The Home of Paramount Pictures in Sydney'. In 1917, Waddington's entered into a partnership with the larger Union Theatres (later reorganised as Greater Union), which assumed control of The Globe.
 - (vii) The Globe was host to the world record run of Paramount's 'The Sheik' (1921), starring Rudolph Valentino for an unprecedented 24 weeks between February and August 1922, representing some 835 screenings. At the time, this was the longest continuous run of a single film in the world. The Globe also screened a large proportion of Australian-made films, hosting many Sydney premieres.
 - (viii) The Romanesque style facade of the former Globe Theatre has for 105 years successfully achieved a role on George Street mirroring the style of the Queen Victoria Building opposite.
 - (ix) Despite the blocking up of the windows, the alteration of the first storey window at the southern end, and the addition of concrete footings for the now-removed 1940s radio tower, the building's appearance remains broadly and remarkably unchanged from its days as a cinema.
 - (x) Like many cinema buildings of the era, there was little visual unity between the building's decorative upper floors and its street-level facade, which was distinguished by its lack of cohesiveness even in the early 1920s. The loss of the street-level fabric is thus of minimal impact to the largely extant upper floor facade.

- (xi) The Globe Theatre was designed by Clarence Backhouse who, in 1896, also designed the Palace Theatre in Pitt Street, demolished in 1970 for the construction of the Hilton Hotel. Fifty years after the Palace Theatre demolition for a hotel construction, Backhouse's other work, the Globe Theatre, is also proposed for demolition for a hotel construction.
- (xii) The efforts made in the heritage documents submitted with the application to argue that other facades in Sydney are more intact or better examples, are unconvincing and compared with Melbourne, Sydney has lost many historic theatres and cinemas, a process of attrition which continues relentlessly.
- (xiii) The Globe Theatre, originally titled "The New Globe" was built for Messrs. Albert and Son, the music publishers, but was leased to Waddingtons, the independent exhibitor, who also operated the Strand and Grand in Pitt Street and Majestic in Liverpool Street. All four of these theatres finally came under the Union Theatre Circuit umbrella, being illustrated in Union's Ten Years of Progress in the Motion Picture Industry of Australia in 1921.
- (xiv) Clarence Backhouse's facade of the original Globe Theatre survives to the present day. This landmark presence in George Street represents one of Australia's oldest silent picture theatres but also a rare surviving radio theatre and important direct link to the 1960s Australian music industry.
- (xv) The Globe Theatre is the only survivor of the White Way Block, the first district specifically for motion picture theatres. Films and motion pictures helped educate people about lands beyond themselves and brought people together in times of trouble when they were looking for solace.
- (xvi) The Globe Theatre was originally designed to emulate the style of the Queen Victoria Building situated across the road. While not heritage listed, it is rich in character and if restored would contribute positively to the streetscape.
- (xvii) The demolition of the building would erase the last physical evidence of George Street's earliest connection to popular film exhibition. The building is historically important and should not be demolished but should be protected and restored.

Response - The former Globe Theatre is not a landmark building on George Street, akin to nearby buildings which have statutory listing within the Heritage Act, 1977, such as the Queen Victoria Building, St Andrews Cathedral or the Sydney Town Hall. Given that it has not been identified as having statutory heritage significance, the proposed demolition of the building does not contravene the heritage objectives or provisions of the Sydney LEP 2012 or Sydney DCP 2012.

While the facade of the building above the awning to George Street is reasonably intact, the ground level of the building has lost all of its original form and features and all the windows in the facade above are blocked, with the arches on the southernmost bay removed and two square-head double hung windows added.

The theatre for which the building was originally constructed was unsuccessful and short-lived, ceasing 10 years after its construction. Beyond the upper level facade, the building has lost the integrity of the former Globe Theatre use, with its original internal form hardly identifiable. There are no significant elements of this theatre fabric (i.e. stage, proscenium, auditorium space etc.) remaining internally which demonstrate the first use of the site. In these circumstances, it does not comprise a good example of a surviving theatre.

- (d) Historical significance of the Globe Theatre as a radio theatre
- (i) The former Globe Theatre building has heritage values which have been disingenuously dismissed in the application heritage documents. The strategy is clear in that the building has no heritage listing and is therefore earmarked for demolition, despite having value worthy of consideration.
 - (ii) The history of the Globe Theatre, its relationship to the Albert Music and Albert Records Company, and part played by the building in fostering one of Australia's most important bands, The Easybeats, who recorded demos there, warrants heritage listing. The Easybeats were the product of a global city, immigrants whose talent was recognised at home and internationally.
 - (iii) The connection to the Alberts led to the rise of Vanda and Young, perhaps Australia's foremost popular music composers, whose work has been recorded by many Australian and international artists. A good portion of Sydney's radio broadcast history also resides in the building.
 - (iv) The former Globe Theatre was listed on the National Trust Register in March, 2017 and is historically significant as a broadcasting studio for Radio Station 2UW, and as the first recording studio for Albert Productions and the first demo recordings for the Australian rock band, The Easybeats.
 - (v) The 2UW Theatre Beautiful opened in 1942 in the upper portion of the Globe Theatre. The Radio Theatre was designed by George Newton Kenworthy who also designed the Cremorne Orpheum, State Theatre Ballroom and Coffee Shop, Paragon Cafe at Katoomba and the Mudgee Regent Theatre, the latter two of which are State-listed heritage items.
 - (vi) The images in the heritage document show Kenworthy's 2UW Theatre Beautiful interiors to be intact, which is a remarkable survival. J. Albert & Son owned and operated the Sydney radio station 2UW, including the former Globe Theatre with its 1942 "2UW Theatre Beautiful." When the theatre was no longer utilised for broadcasts it was used for auditions, rehearsals and demo recordings.
 - (vii) Ted Albert formed Albert Productions as the company's artist and repertoire department in 1964. The Australian group The Easybeats auditioned and were signed by Ted Albert to Albert Productions. A recording studio was set up in the 2UW theatre space with the control room being the old ticket booth.

- (viii) The Easybeats recorded approximately 40 demo songs in the theatre recording studio. The group's first single "For My Woman" was recorded during these sessions at the 2UW Theatre.
- (ix) The argument made in the application heritage documents that the radio theatre phase of the former Globe Theatre was not significant which is strongly disputed. The original uses of Sydney's Capitol Theatre were as the New Belmore Market and then Wirth's Circus Hippodrome but later conversions to a cinema and now a live theatre are, together with the original uses, significant historic stages of the Capitol Theatre site.
- (x) The application heritage document dismisses the 2UW remodelling as being of little significance, when it is a well-established fact that buildings can and do change over time, sometimes with different styles, and that this can contribute to their significance.
- (xi) The recent award-winning restoration of the Melocco Brother's mural, which was a finalist for the Sulman Prize in 1951, at Sydney's Central Station is a case in point. The mural was part of a facelift for the nineteenth century station undertaken by railway commissioner Reginald Windsor, who advocated to modernise the railways in the face of increasing competition from the family car and air travel.
- (xii) The 2UW Theatre Beautiful and recording studio operations are important and historically significant stages of this building to Australia's radio broadcast and music entertainment industries.
- (xiii) The application heritage documents concede that three of the four comparative examples of radio theatres (three in Sydney and one in Cumnock, NSW) were not used as a radio theatre as far as evidence suggests.
- (xiv) The heritage documents acknowledge there is little tangible evidence remaining of the former 2KY radiatorium in the Dymocks building, yet argues that this building remains socially and historically significant as an early radio entertainment venue. This would make the 2UW Theatre Beautiful the only intact surviving radio theatre in NSW and of high heritage significance.
- (xv) The photographs of the 2UW Theatre Beautiful in the heritage documents, when compared with the historic photographs of the theatre in operation, show its fabric to be intact and not impacted by later phases of development.
- (xvi) The National Trust of Australia (NSW) also has an historic connection with this building as its early annual general meetings were held in the 2UW Theatre from 1963 until 1965.
- (xvii) The former 2UW radio theatre is very rare, unique and is of significant historical importance, as the only known surviving radio theatre of its type left in Australia from that era, where many major stars performed and many thousands of Sydneysiders attended.

(xviii) The dome of the original Globe Theatre, its centrepiece, still remains extant in a compromised form, as it was retained and adapted into the Streamline Moderne design of the 2UW radio theatre.

Response - The recording studio use within the site was relatively short-lived, and while these temporary uses have associations with Albert Productions and a number of musical artists, the extant fabric within the upper levels of the building does not clearly demonstrate these associations.

As discussed under the Issues heading above, the value and significance of the radio theatre use and its associated fabric is recognised in the proposal. An acceptable heritage interpretation of these associations can be achieved without the retention of the existing fabric, which is significantly complicated due to the presence of hazardous materials, including asbestos and lead paint.

A successful heritage interpretation of the radio theatre use can be achieved through the reconstruction of the theatre as part of the new development, in accordance with the conditions recommended in Attachment A. The reconstructed theatre will be accessible, as a component of the QT Hotel, for the first time since the closure of the premises in the 1960s.

(e) Radio Theatre reconstruction

- (i) The insertion of a Radio Theatre Auditorium on level 2 of the proposed development in the current location of Dudley House indicates how beneficial a theatre of this size and in this location would be as part of any planned development of this site.
- (ii) It is far more appropriate to retain and conserve the original theatre for this purpose than to erect a pastiche copy and then name it after the demolished building, a final insult to this important part of the city's history.
- (iii) It would be nice if the Radio Theatre could be restored into a cinema as part of the lobby vestibule of the new hotel.
- (iv) The Globe Theatre is historic for the Art Deco radio studio upstairs, a rarity in the world, and an outstanding piece of architecture. The theatre could be adaptively reused and integrated into the project, giving the project an unique hook and beautiful architecture it won't possess otherwise.
- (v) The restoration of the radio theatre as a live performance venue, bar, or small restaurant. Such preservation would not only be in keeping with the proposal's intention to "contain hotel, bar and retail uses" but would be an ideal way for Greater Union's corporate heirs to honour their earliest surviving connection to the Sydney Central Business District.

Response - The proposed interpretative reconstruction of the Radio Theatre Auditorium within the development, to be used in conjunction with the new conference facilities, offers an opportunity to allow for the historical radio theatre use to be fully understood and appreciated, if carried out in an appropriate fashion.

As discussed above, the significant cost and difficulty involved in rectifying and retaining the deteriorated, fire damaged and hazardous materials within the extant fabric of the radio theatre presents a considerable challenge in terms of maintaining its integrity.

Council's Heritage Specialist has not objected to this element of the proposal and has instead advised that an alternative and acceptable heritage approach is to require a faithful interpretative reconstruction of the radio theatre within the new development, including its key features, its overall layout, proscenium, ceiling and wall design details.

In conjunction with this requirement, it has also been advised that a detailed, comprehensive heritage interpretation of the theatre uses should also be required to be developed and incorporated into the design. Conditions to this effect have been recommended in Attachment A.

- (f) Future proofing of the State Theatre
- (i) The conversion of the historic Gowings Building to a hotel was on the understanding that this would future proof the State Theatre. Now the same future-proofing argument for the State Theatre is being used to justify the demolition of the former Globe Theatre Building, the 2UW Theatre and Dudley House and the construction of a 13-storey hotel.
 - (ii) The long-term conservation and continuing use of the State Theatre is strongly supported but a new hotel construction should not be at the expense of the historic facade of the former Globe Theatre, the first storey former 2UW Theatre Beautiful and the landmark facade of Dudley House.

Response - These objections appear to overlook the significance of the heritage benefits delivered to facilitate the ongoing use of the State Theatre, which is identified in its State Heritage Register listing as being an item of national heritage significance at an exceptional level. These benefits are as follows:

- The existing State Theatre back of house service areas are inadequate for current theatre operations and significantly hinder the long term functionality of productions, with the size and accessibility of these areas preventing the State Theatre from hosting larger-scale productions;
- The intention of the proposed basement levels is to provide for improved stage access and back of house storage facilities to support and enhance the longer term production capabilities of the building;
- The basement portion of the new building will include a dedicated vehicle loading dock with turntable, side-of-stage storage and new compliant fire egress tunnels and stairs;
- This will provide the State Theatre with critical support spaces which would not be possible without accessing the subterranean space beneath the former Globe Theatre and Dudley House;
- The provision of functional backstage storage and access spaces will ensure the longevity of the State Theatre use on the site, and will support its continued use and conservation;

- The Theatre does not currently provide adequate or compliant fire egress from the main auditorium onto Parlour Lane;
- The proposal provides an opportunity to reconfigure the existing fire egress tunnels and provide upgraded, Building Code of Australia-compliant fire egress from within the proposed basement;
- Upgrading of these services which support the functioning of the State Theatre would not be possible without accessing the subterranean space beneath the former Globe Theatre, Dudley House and Parlour Lane;
- Adaptation of the former Gowings building and the State Theatre and former State Shopping Block upper levels for the QT Hotel has already been undertaken. The QT Hotel operates across both heritage buildings, providing unique hotel accommodation which incorporates the heritage character of each of these buildings;
- To assist the continued operation of the hotel, the new building will provide additional hotel rooms, in addition to an auditorium and conference facilities;
- Fostering the existing hotel use by providing additional space to meet demand will result in benefits to the former Gowings building and State Theatre and former State Shopping Block, through the continuation of the hotel use and associated conservation of the place;
- The form of the new building has been designed to directly respond in a contemporary way to that of the former Gowings building, in terms of its scale, massing and materiality. It will incorporate opportunities for heritage interpretation, such as the interpretive reconstruction of the radio theatre, which will be used as a feature auditorium for conferences.

It is the view of both Council planning and heritage staff that the benefits provided by the redevelopment of the site in the manner proposed will significantly offset any heritage impacts associated with the proposal.

- (g) Further investigation and peer review of application heritage documents required
- (i) The submission of heritage documents which assess both unlisted buildings and finds neither of them to have met a single threshold for heritage significance, not even as representative examples, indicates that a thorough peer review of this document is warranted.
 - (ii) There are a range of disputed issues and contradictions throughout the heritage documents submitted with the application.
 - (iii) The survival of the 2UW radio theatre is remarkable and, given its rarity, further and more expert efforts to investigate the possible international significance of the 2UW Radio Theatre should take place as a matter of urgency.

Response - The heritage documents submitted with the application were peer reviewed by the heritage committee established by the City in relation to the assessment of development application D/2019/882.

As explained elsewhere in this report, the committee noted a range of concerns relating to the adequacy of the heritage documents submitted with the application, including in relation to the comparative and fabric analyses carried out in relation to the 2UW radio theatre. These were communicated at length to the applicant in the City's letter dated 16 March 2020.

Subsequently, the application heritage documents were updated to address the concerns raised by the heritage committee and were submitted with the amended application received by the City on 17 August 2020.

These amended heritage documents have been reviewed in detail by Council's Heritage Specialist, who has advised that the recommendations made by the committee have been addressed and that sufficient additional information has now been provided, including an adequate comparative analysis.

(h) Interim heritage orders

- (i) Interim heritage orders should be placed on both the former Globe Theatre and Dudley House buildings while further investigations take place.

Response - A request was made by the National Trust of Australia (NSW) to Heritage NSW for interim heritage orders in relation to the two buildings in September 2019.

After consideration of the request, Heritage NSW determined not to recommend to the Minister for Heritage the making of any interim heritage orders in relation to the buildings on 6 December 2019.

(i) Incompatible architectural design

- (i) The proposed new building is completely out of step with the surrounding buildings, is bulky, imposing, visually unappealing, unattractive, poorly designed and does not show-case best design.
- (ii) The proposed new building is incompatible with the existing streetscape and would detract from the significance of nearby heritage buildings, including the Queen Victoria Building. The proposed facade is poorly articulated and needs significant redesign.
- (iii) The proposed new building appears to bear a greater resemblance to Frank Lloyd Wright's V.C. Morris Gift Shop in San Francisco than it does to the fine grain of the Queen Victoria Building.
- (iv) The replacement building proposed in the application is not aesthetically pleasing and clashes with the surrounding heritage buildings.
- (v) The new modern hotel building is generic in appearance and will detract and diminish the heritage values and visual impact of the Queen Victoria Building.
- (vi) The impact of the new building upon the State Theatre Annex, an item of heritage significance, is especially severe. It will be dwarfed and stranded between much larger buildings with which it shares no affinity in design or construction material.

Response - The proposed development has been assessed against the relevant controls in the Sydney LEP 2012 and Sydney DCP 2012 in this report.

Notwithstanding a number of minor numerical non-compliances identified with respect to the provisions of the latter policy, the new building clearly exhibits design excellence in accordance with the provisions of Clause 6.21 of the Sydney LEP 2012 and represents a compatible infill to the existing streetscape along George Street.

It should be noted that Heritage New South Wales, as delegate for the Heritage Council of New South Wales, has provided General Terms of Approval to the proposal and has not raised any objection to the new development and its proposed interface with the State Theatre or its visual relationship with adjoining items of State heritage significance, including the Queen Victoria Building.

The City's Urban Design Specialist and Heritage Specialist have not objected to the design of the proposed development, nor have they recommended any substantive design amendments or modifications with respect to the form, scale, massing, articulation or other details of the new building. This includes its relationship with the adjoining and nearby heritage items, including the State Theatre Annex and former Gowings buildings.

Finally, the Queen Victoria Building comprises a prominent Sydney landmark, occupying an entire block, and is sufficiently robust to withstand the visual impact of well-designed contemporary architecture within its vicinity without the loss of its setting, understanding or appreciation of heritage significance.

There is no particular planning imperative requiring new development within the vicinity of heritage items to mimic or duplicate traditional, fine-grained detailing of those items, in order to sit comfortably within the streetscape of the Sydney Central Business District.

- (j) Public consultation not best practice
 - (i) The application was lodged concurrently with a concept development application for a commercial tower but exhibited with only a short overlap between the exhibition periods for each application, which is not best practice public consultation.

Response - The subject application was lodged concurrently with the now withdrawn concept application D/2019/882 on 13 August 2019, as discussed elsewhere in this report. While the two applications related to one another, and efforts were made to exhibit the applications concurrently, it was not possible to precisely synchronise the public exhibition of the applications.

It should be noted that there is no requirement in the Environmental Planning and Assessment Act, 1979, the Environmental Planning and Assessment Regulation, 2000, or the City's Community Participation Plan 2019 to require simultaneous exhibition periods for such applications.

Further, the application was subject to extensive consultation, given it was originally notified and advertised between 23 August 2019 and 21 September 2019, and then re-notified and readvertised for an additional period between 11 December 2019 and 29 January 2020.

- (k) Misleading notification
- (i) The exhibition of the application is misleading and incorrectly identifies the site to which the application relates. The City's website does not include the property at 458-466 George Street, Sydney, which is included in the application documentation, given that the proposal seeks to demolish the building on that site.

Response - The omission of the site at 458-466 George Street, Sydney was an administrative error which occurred during the lodgement of the application. This error was subsequently corrected, and the application was re-notified and re-advertised between 11 December 2019 and 29 January 2020, with a total of 11 submissions received by the City across both exhibition periods.

- (l) No site-specific development control plan (DCP) or competitive design process
- (i) The application includes the detailed design for a new development without having first prepared a site specific DCP or undertaken a competitive design process, both of which are required by the Sydney LEP 2012 for a site with an area of 4160 square metres.
- (ii) The Statement of Environmental Effects does not address the relevant provisions of the Sydney LEP 2012 and does not seek a waiver of these processes.

Response - The additional information received from the applicant on and re-notified and re-advertised between 11 December 2019 and 29 January 2020 includes an assessment of the relevant provisions of both Clause 7.20 and 6.21 of the Sydney LEP 2012 relating to the waiver of the requirement for a site-specific DCP and competitive design process. This material has been reviewed by City staff and a waiver of these processes is now supported, for the reasons outlined elsewhere in this report.

- (m) Convoluted and confusing application process
- (i) The applicant's intention appears for a future competitive design process to relate to a future tower only, which has implications for how the consent authority assesses the future tower in relation to its potential impacts on the adjoining property at 55 Market Street, Sydney.
- (ii) Because the detailed design relates to a podium only, there will be no consideration of a future tower in that application, and the detailed design pre-determines the siting of a future tower without having first obtained a site specific DCP or approved concept building envelope.
- (iii) The siting and impacts associated with a tower are key, fundamental issues to the preparation of a site specific DCP or concept building envelope and the granting of consent to the detailed design without regard to these matters creates uncertainty for the landowner of 55 Market Street.
- (iv) The detailed design development application should be refused or withdrawn and a single concept development application submitted for the redevelopment of the site.

Response - As discussed elsewhere in this report, the City's correspondence to the applicant on 16 March 2020 made a request for the withdrawal of the subject application and amendment of the now withdrawn concept development application D/2019/882 to address concerns raised in relation to the previously proposed tower.

Following a meeting between City staff, the applicant, architect, representatives of the landowner of the subject site and the applicant's consultant team and architect on 28 April 2020, the applicant instead proposed withdrawal of the concept application D/2019/882 and amendment of the subject application to substantially delete references to a new commercial office tower from the application.

While some references remain on the amended drawings submitted to the City on 17 August 2020 to zones proposed to be used for storage or as vertical void spaces within the new building, but indicatively allocated for future proofing of the development for vertical transportation, structure, plant and servicing of a future tower, consent is not sought for the infill design of these elements. A condition is recommended in Attachment A to explicitly exclude the granting of consent to any commercial office tower or use on the site under the current application.

- (n) Future office tower
- (i) The majority of the level 3 and 4 basement areas are reserved for structure, services plant, and back of house areas for future commercial tower subject to a separate DA.
 - (ii) The drawings submitted with development application D/2019/882 for a concept commercial office tower show the proposed tower envelope is a major cause for concern relating to this application, in particular the overshadowing impact that this will have on the Queen Victoria Building.
 - (iii) It is noted that the application states that Parlour Lane will be retained yet the footings for the proposed tower intrude on this space and indicate that the lane will be effectively built over entirely, right up to the boundary of the State Theatre Building and its west facing windows.
 - (iv) The recent award-winning success of the revitalised Skittle Lane precinct shows the important role that these open-air links can play as part of a redeveloped precinct.
 - (v) To assess this application without considering a 130 metre tall tower above the proposed building is to miss the point of the application. The entire ground and first floor levels of the proposed building in this application are indicated on the drawings as the potential future tower lobby.
 - (vi) The view frames in the photomontages prepared by the architects for the subject application show no views of this tower, which is readily apparent in the photomontages for the concept development.

Response - Noted. As discussed above and elsewhere in this report, the subject application was amended on 17 August 2020, development application D/2019/992 was withdrawn on 11 September 2020, and a commercial office tower is not currently proposed for the site.

As a result, Parlour Lane is no longer proposed to be covered over by the development, the entry lobby has been redesigned to serve the proposed conference facility use and the additional overshadowing of the Queen Victoria Building created by the amended proposal is acceptable with regard to the relevant overshadowing provisions of both the Sydney LEP 2012 and Sydney DCP 2012.

Public Interest

230. It is considered that the proposal will have no significant detrimental effect on the public interest, subject to the recommended conditions in Attachment A.

S61 Contribution

231. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2013.

232. A condition relating to this levy is included in Attachment A. The levy is to be paid prior to the issue of a Construction Certificate.

Relevant Legislation

233. The Environmental Planning and Assessment Act, 1979.

234. The Heritage Act, 1977.

235. The City of Sydney Act, 1988.

236. The Roads Act, 1993.

237. Sydney Water Act, 1994.

238. Liquor Act, 2007.

Conclusion

239. The application seeks consent for the demolition of the two existing buildings at 458-466 George Street and 468-472 George Street, alterations and additions to the State Theatre and former Gowings building, and construction of a new 13-storey building with a maximum height of 51.87 metres.

240. The new building comprises retail premises, hotel lobby and cafe at ground and level 1, hotel accommodation uses above, including conference facilities, level 2 bar, 72 hotel rooms, rooftop bar and terrace. Excavation of the site and construction of 4 basement levels is also proposed, containing loading and servicing facilities, bicycle parking, end of journey facilities and building plant and services.

241. The proposal was amended to address Council's concerns relating to heritage conservation, excavation, building expression, transport and servicing, flooding and stormwater, late night trading, waste, public art and construction management. The amended proposal is satisfactory, subject to the recommended conditions in Attachment A.
242. The applicant has submitted a request to waive the requirements in Clause 7.20 and 6.21 of the Sydney LEP 2012 for the preparation of a site-specific development control plan and a competitive design process. This request is supported in the specific circumstances of the proposed development.
243. The proposal, as amended and subject to conditions, is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012 and the Sydney DCP 2012. Proposed variations to controls in the Sydney DCP 2012 are also generally acceptable and are identified in this assessment report.
244. The proposed building is compliant with the applicable building height and floor space ratio controls. The development does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding the site. Further, the potential impacts on the heritage significance of the State Theatre and former Gowings buildings are generally acceptable, subject to conditions.
245. The new building does not pose any other significant or unreasonable impacts upon the existing or likely future development surrounding the site. The proposal will improve the interface between the private and public domain and exhibits design excellence in accordance with Clause 6.21 of the SLEP 2012.
246. The proposal will provide for new retail, hotel accommodation, food and drink and function centre uses and ensure the continuation of the historic State Theatre 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.
247. Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of the locality.

GRAHAM JAHN AM

Director City Planning, Development and Transport

David Reynolds, Senior Planner