

Item 5.**Development Application: 477 Pitt Street, Haymarket - D/2020/468****File No.: D/2020/468****Summary**

Date of Submission: 25 May 2020, additional information received 19 August 2020

Applicant: ISPT Pty Ltd

Architect: John Wardle Architects

Owner: ISPT Pty Ltd

Planning Consultant Robinson Urban Planning

Heritage Consultant NBRS & Partners

Cost of Works: \$71,592,318.00

Zoning: B8 Metropolitan Centre Zone. The proposed development is permissible with consent in the zone.

Proposal Summary: Alterations to the existing buildings on site including cladding works to the 31-storey commercial building, works to ground plane and building podium, and alterations and repair works to heritage listed buildings.

The application is referred to the CSPC for determination as the cost of works exceeds \$50 million.

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

- Development Controls:**
- (i) State Environmental Planning Policy No. 55 - Remediation of Land
 - (ii) State Environmental Planning Policy (Infrastructure) 2007
 - (iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - (iv) Sydney Local Environmental Plan 2012
 - (v) Sydney Development Control Plan 2012
- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings
 - C. Clause 4.6 Variation Request

Recommendation

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not 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;
- (B) the variation requested to the height of buildings standard in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (C) the requirement under clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances;
- (D) the requirement under clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (E) consent be granted to Development Application No. D/2020/468 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 is consistent with the objectives of the B8 Metropolitan Centre Zone.
- (B) The proposal is consistent with the objectives of relevant planning controls.
- (C) The proposal is consistent with the objective of conserving the heritage significance of heritage items.
- (D) The proposal satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012.
- (E) The proposal, subject to conditions, is considered to be in the public interest.
- (F) Based upon the material available to the Committee at the time of determining this application, the Committee approve and accept:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the insert Sydney LEP 2012;

- (ii) the proposal is in the public interest because it is consistent with the objectives of the B8 Metropolitan Centre Zone and the height of buildings development standard;
- (iii) the proposal satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012 and the requirement for a design competition is waived as the works only involve alterations and additions to an existing building and a competition process is unreasonable as the proposal does not increase the height or gross floor area of the building; and
- (iv) accordingly the CSPC accept and approve that the requirement under clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances as the building is existing and is being reclad.

Background

The Site and Surrounding Development

1. The site is identified as Lot 1 in DP 633690 and is located at 477 Pitt Street, Haymarket. The site occupies a street block and is bound by Pitt Street to the east, Hay Street to the north, Parker Street to the west and Barlow Street to the south. The site has an area of 5,952sqm.
2. The site contains a number of buildings including:
 - (a) a 31-storey commercial office building with a nine storey mid tower (known as 'Sydney Central');
 - (b) local heritage item "Former Presbyterian Manse (461-465 Pitt Street) including interior";
 - (c) local heritage item "Former Fire Engine House including interior"; and
 - (d) local heritage item ""Former "Australian Gaslight Co" including interior".

Two levels of existing basement parking are accessed from Parker Street.

3. Adjoining development includes:
 - (a) to the east - Belmore Park across Pitt Street;
 - (b) to the north - the "Capital Theatre", a state heritage item, at 13 Campbell Street; and the "Former "Manning Building" a local heritage item, at 451 Pitt Street;
 - (c) to the west - the "Corporation Building", a state heritage item, at 181-187 Hay Street, a two storey substation with approval for a 15 storey hotel building at 13 Parker Street; and the Haymarket telephone exchange building at 15-31 Parker Street; and
 - (d) to the south - the 'McKell Building' a 23-storey commercial building at 2-24 Rawson Place .
4. The site is located within the Haymarket and Chinatown locality.
5. A site visit was carried out on 7 July 2020. Photos of the site and surrounds are provided below.

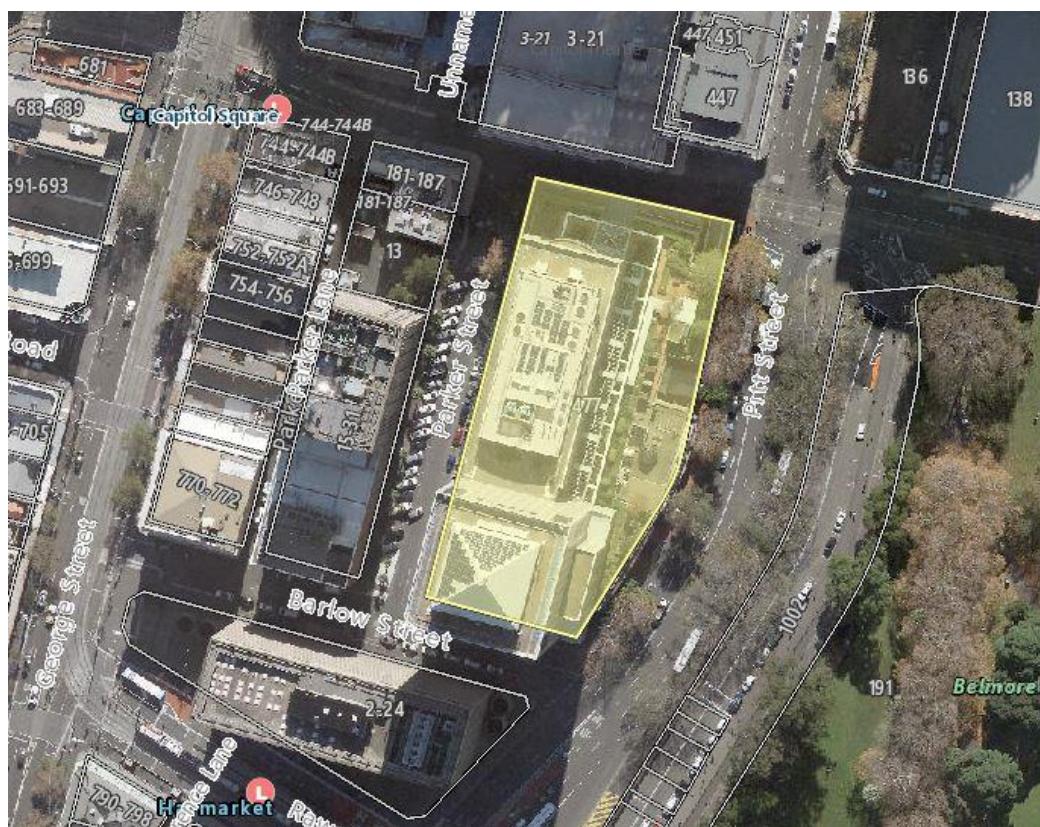


Figure 1: Aerial view of site and surrounds

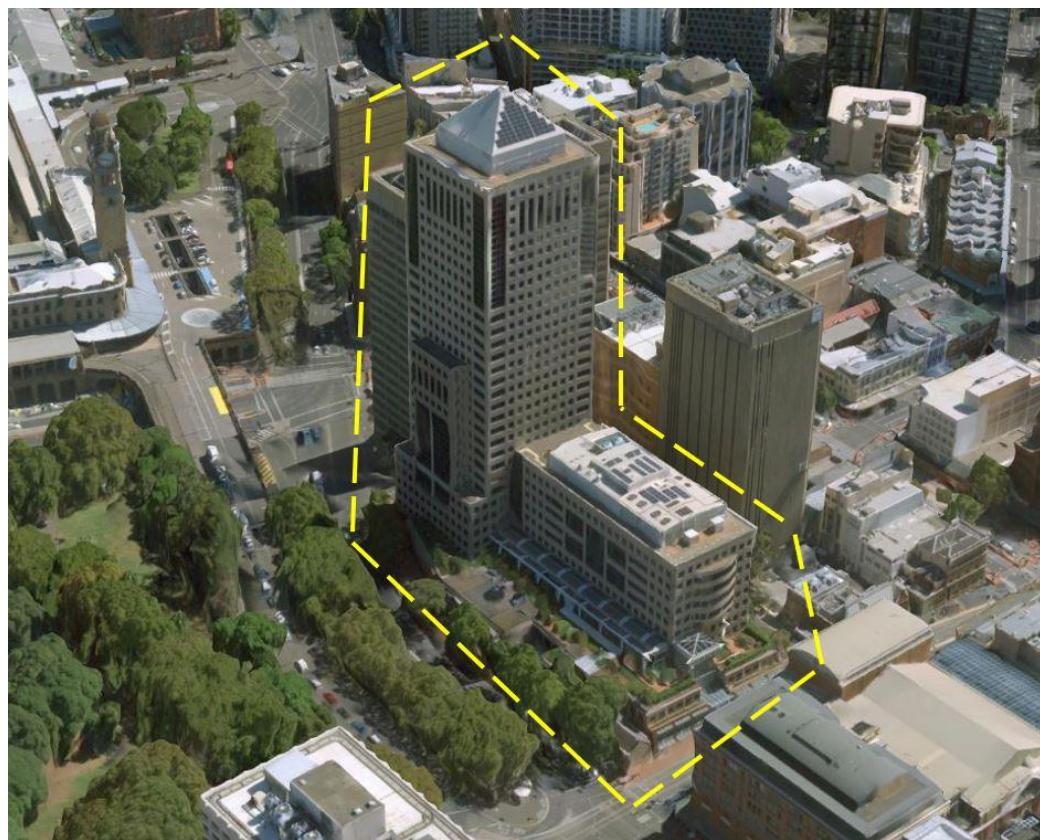


Figure 2: Elevated view of site



Figure 3: Site viewed from corner of Pitt Street and Hay Street



Figure 4: Site viewed from Pitt Street looking west. Former Fire Engine House building centre



Figure 5: Site viewed from Pitt Street looking west. Former Australian Gaslight Co. Building Centre



Figure 6: Site entry from Pitt Street



Figure 7: Site viewed from Pitt Street looking north west



Figure 8: Site viewed from Barlow Street looking north along Parker Street



Figure 9: Site viewed from Parker Street looking south



Figure 10: Site viewed from corner of Pitt Street and Hay Street looking southwest. Former Presbyterian Manse building located on corner

History Relevant to the Development Application

Development Applications

6. The following applications are relevant to the current proposal:

- The commercial tower building was approved by the Commonwealth government and was recommended for construction on 21 April 1988 by the Parliamentary Standing Committee on Public Works. Occupation and use of the building commenced in 1990. State planning legislation did not apply to the development.

Compliance Action

7. The site is not subject to a current compliance action.

Amendments

8. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 16 July 2020. Additional information was requested in respect to:

- (a) Environmentally sustainable design;
- (b) Public domain design details; and

- (c) Design details including materials.
- 9. The applicant responded to the request on 19 August 2020, and submitted responses to the requested information.

Proposed Development

- 10. The application seeks consent for the following:
 - (a) facade cladding to the existing 31 storey building. The cladding designed so as to not result in any additional overshadowing to Belmore Park. The new cladding is to address a safety issue of the existing cladding currently failing and falling from the building. A hoarding is currently erected on site for pedestrian safety as shown in the photographs above;
 - (b) demolition of commercial building facade to Level 2;
 - (c) demolition and alterations to the building entry area at corner of Pitt Street and Barlow Street with new landscaping;
 - (d) ground plane alterations to existing building with double height glazed facade to Barlow Street, and replacement of podium facade materials. Alterations to the podium result in a net reduction of gross floor area of 112sqm;
 - (e) alterations to the existing Level 17 roof top area for use as a balcony;
 - (f) alterations to the Level 2 terrace garden area including demolition of the steel frame structure;
 - (g) minor demolition works to the heritage listed Former Australian Gaslight Building and alterations for use as an event space; and
 - (h) repairs and alterations to the heritage listed Former Fire Engine House and Presbyterian Manse for future food and drink premises.
- 11. Plans, elevations and images of the proposed development are provided below.



Figure 11: Proposal image: site viewed from east



Figure 12: Proposal image: Pitt Street entry

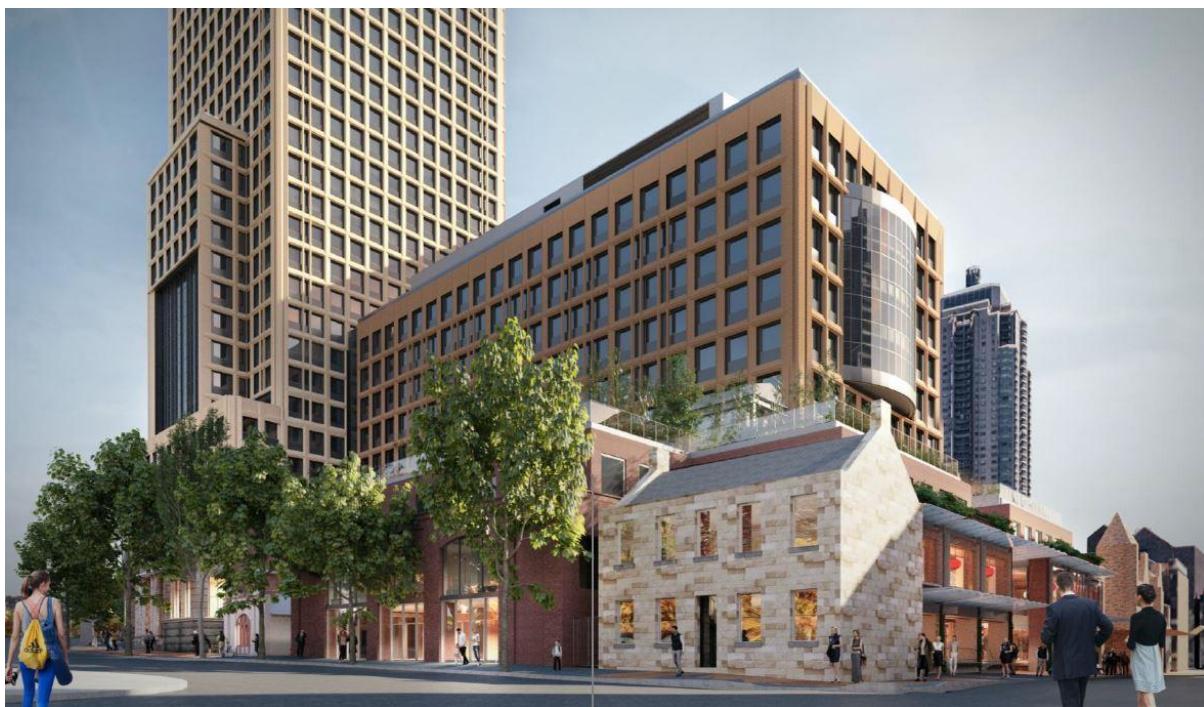


Figure 13: Proposal image: corner of Pitt Street and Hay Street

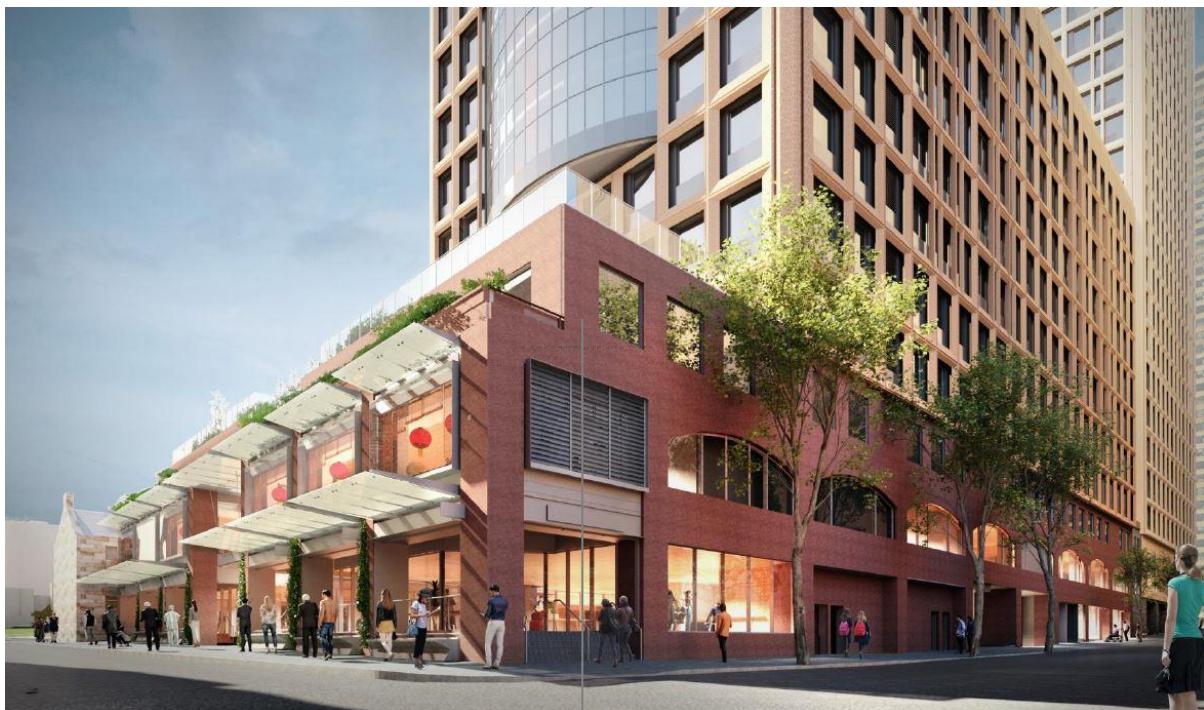


Figure 14: Proposal image: corner of Hay Street and Parker Street



Figure 15: Proposal image: corner of Parker Street and Barlow Street

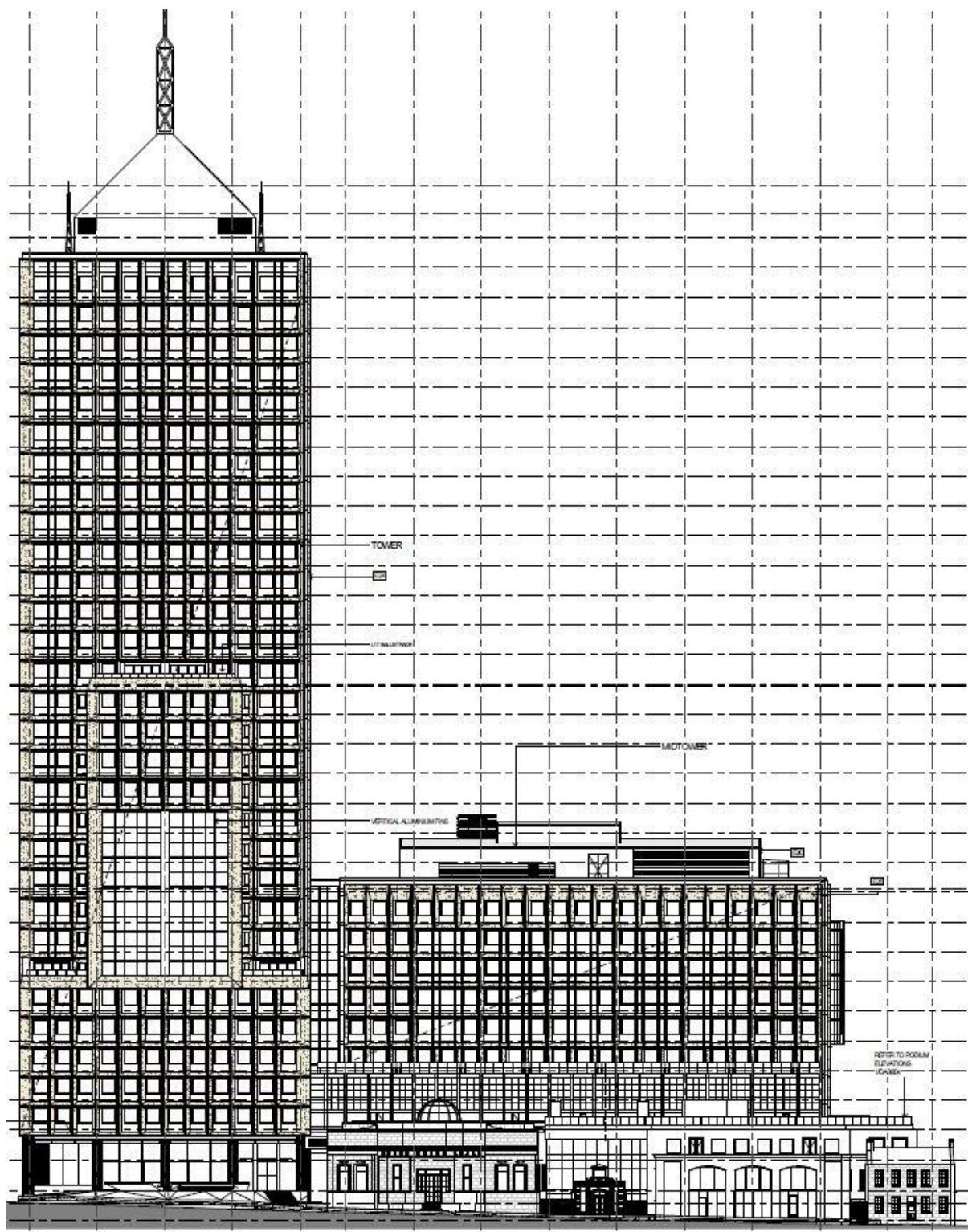


Figure 16: East elevation (Pitt Street)

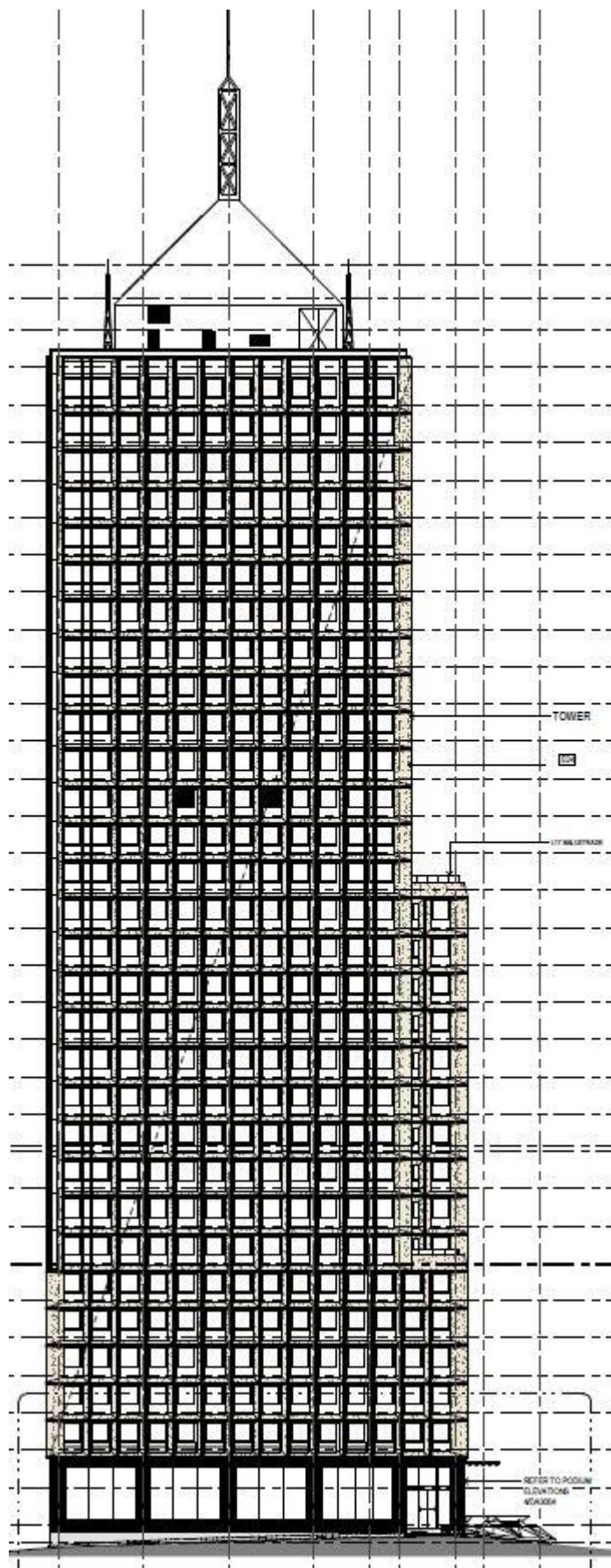


Figure 17: South elevation (Barlow Street)

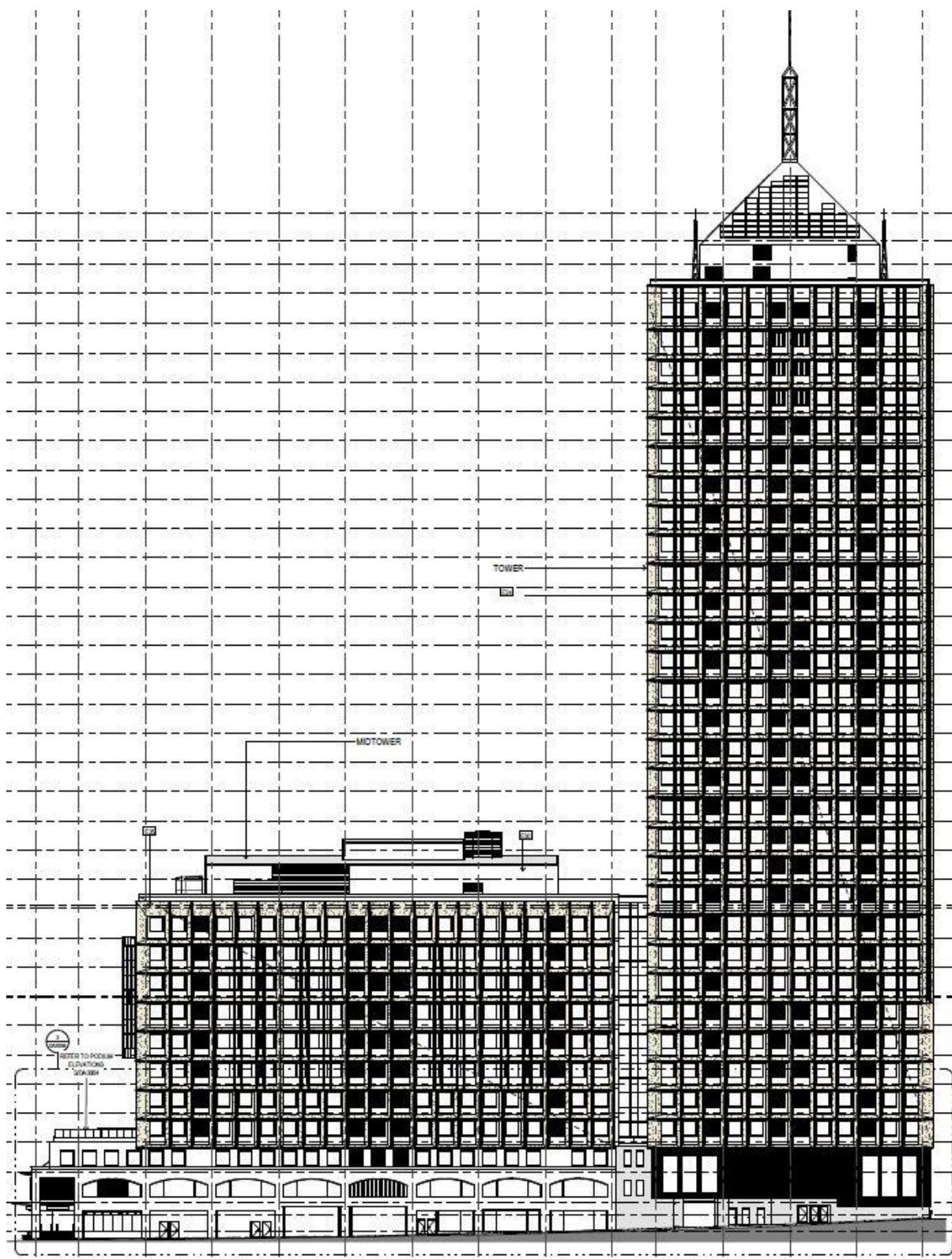


Figure 18: West elevation (Parker Street)

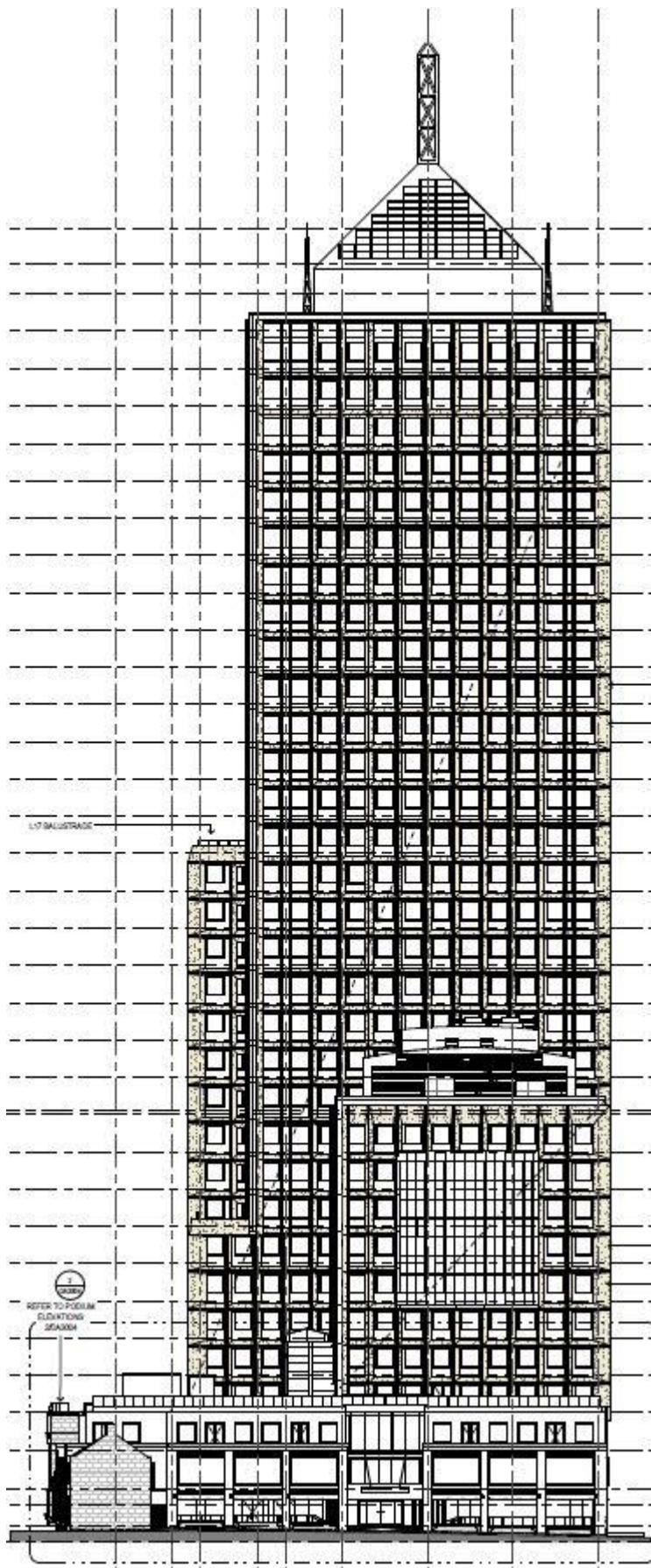


Figure 19: North elevation (Hay Street)

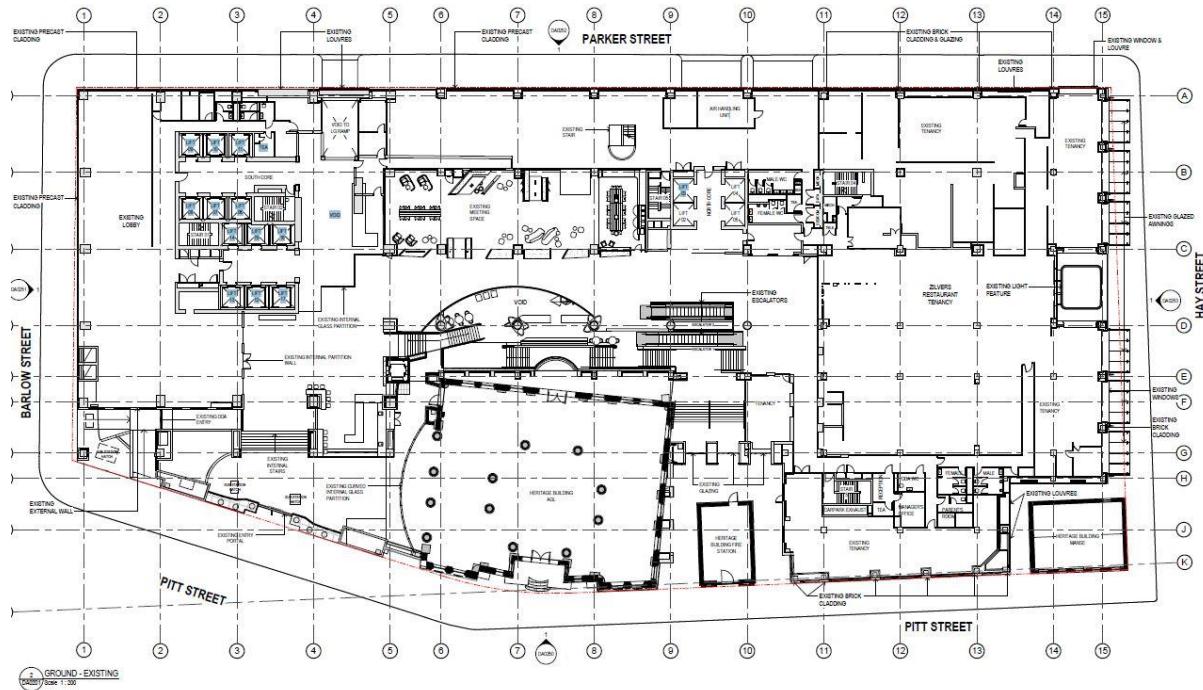


Figure 20: Existing ground floor plan

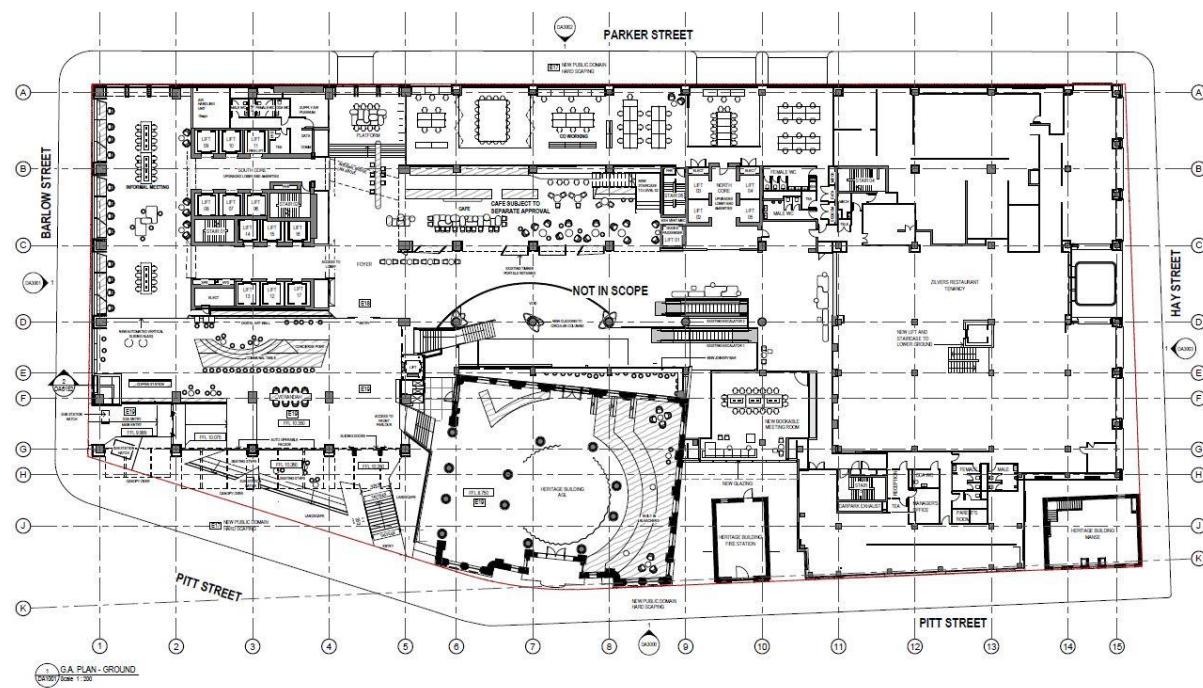


Figure 21: Proposed ground floor plan

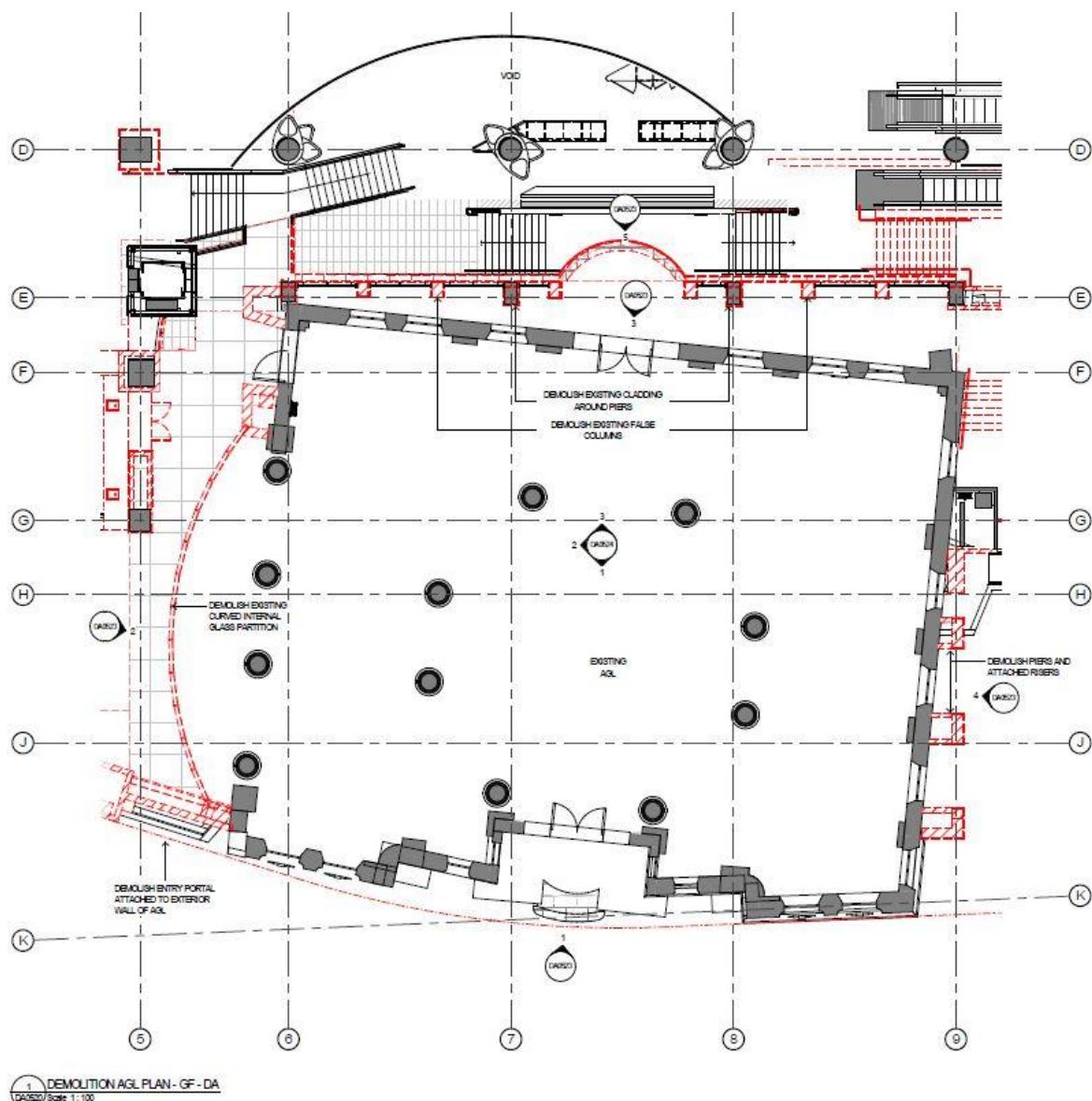


Figure 22: Former AGL Building: proposed ground floor demolition plan

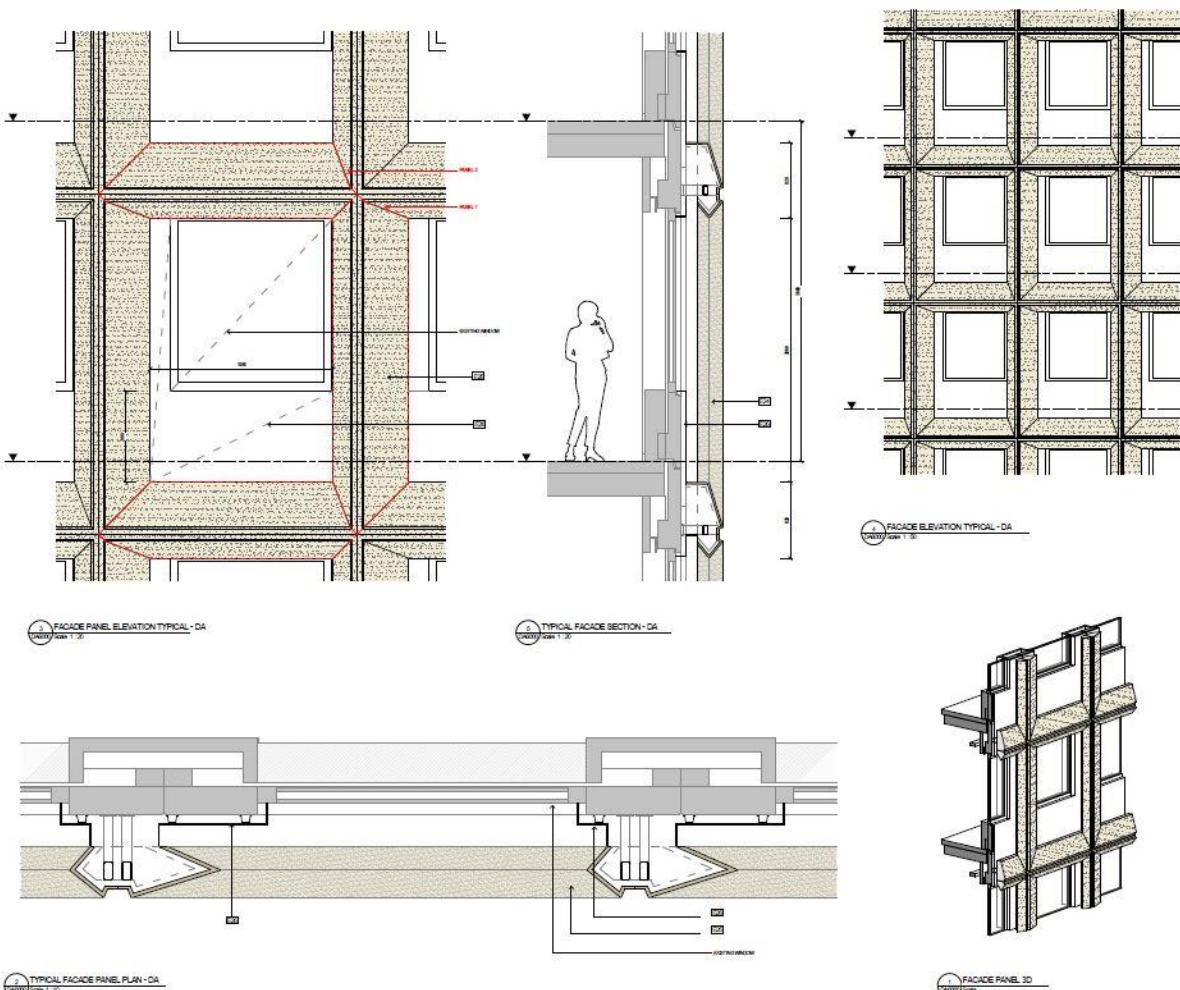


Figure 23: Cladding detail

Assessment

12. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

13. The aim of State Environmental Planning Policy (SEPP) No 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.
14. Subject to routine inspections prior and during demolition works for hazardous substances, the site is considered to remain suitable for continued commercial use.

State Environmental Planning Policy (Infrastructure) 2007

15. The provisions of State Environmental Planning Policy (Infrastructure) 2007 have been considered in the assessment of the development application.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 85 – Development adjacent to rail corridors

16. The application is adjacent to a rail link corridor and was therefore referred to Transport for NSW (TfNSW) for comment. TfNSW and Sydney Trains have recommended conditions which are included in the Notice of Determination.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

17. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
18. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

19. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed development is defined as alterations to the existing commercial premises and is permissible with consent in the zone. The proposal meets the objectives of the zone. The proposed works to the commercial building and heritage buildings on the site contribute to the ongoing commercial and retail uses of the existing buildings in an accessible location. Public art and public domain upgrade works will serve visitors and the wider community.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	<p>The site is subject to two different height controls.</p> <p>The western side of the site is subject to a maximum building height of 50m.</p> <p>The height control on eastern side of the site is defined by the Belmore Park sun access plane (refer to discussion below).</p> <p>Works are proposed to a height of 119m.</p> <p>A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.</p>
4.4 Floor space ratio	No, existing non-compliance	<p>A maximum floor space ratio (FSR) of 7.5:1 is permitted.</p> <p>The existing building has an FSR of 8.96:1. The proposal reduces the FSR on the site to 8.94:1.</p>
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks consent for works above the height of buildings development standard prescribed under Clause 4.3.</p> <p>A Clause 4.6 variation request has been submitted with the application.</p> <p>See further details in the 'Discussion' section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site contains local heritage item "Former Presbyterian Manse (461-465 Pitt Street) including interior", local heritage item "Former Fire Engine House including interior", and local heritage item "Former "Australian Gaslight Co" including interior".</p>

Provision	Compliance	Comment
		<p>The site is located opposite to heritage items: to the north at 13 Campbell Street the “Capital Theatre”, a state heritage item; and at 451 Pitt Street the “Former “Manning Building” including interior”, a local heritage item; to the west: the “Corporation Building” including interior at 181-187 Hay Street a state heritage item.</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage items located on the site and surrounding heritage items.</p> <p>See further details in the ‘Discussion’ section below.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
Subdivision 2 Types of additional floor space 6.4 Accommodation floor space	N/A	The proposed development is not eligible for an additional accommodation floor space for office premises.
Division 3 Height of buildings and overshadowing		
6.17 Sun access planes	No, existing non-compliance	<p>The maximum building height permitted on the eastern side of the site is restricted by the Belmore Park 1A and 1B sun access plane.</p> <p>The existing building is located higher than the sun access plane.</p> <p>The proposed works will not result in additional height to the existing building so as to extend higher than the sun access plane.</p> <p>The proposal will not result in any additional overshadowing of Belmore Park.</p>

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed development is of a high standard and proposes materials and detailing which are compatible with the existing development in the locality.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.</p> <p>The existing building is located within Central Sydney and has a height greater than 55m. A competitive design process is considered not to be required pursuant to cl 6.21(6) as the proposal involves only alterations or additions to an existing building and does not increase the height or gross floor area of the building.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises	Yes	No changes are proposed to the existing car parking located within the basement.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Provision	Compliance	Comment
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The site is within Central Sydney and has an area more than 1,500sqm. A development control plan is not required as the proposal:</p> <ul style="list-style-type: none"> (a) involves only alteration or additions to an existing building, (b) does not increase the height or gross floor area of the building, (c) does not have significant adverse impacts on adjoining buildings or the public domain, and (d) does not significantly alter any aspect of the building when viewed from public places.

Development Control Plans

Sydney Development Control Plan 2012

20. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

21. The site is located within the Haymarket and Chinatown locality on the eastern side of the locality adjacent to Belmore Park. As noted earlier in the report, the existing building was granted an approval by the Federal Government in 1988 and exceeds the relevant height controls for the site. The proposal improves its relationship to the Haymarket and Chinatown locality with an improved relationship between the tower and podium buildings to the heritage items located on the site; and an improved ground plane presentation.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>Public domain upgrade works to be undertaken in accordance with the City's design codes as included in the recommended conditions.</p> <p>Proposed public art strategy includes two permanent pieces on the ground floor in locations visible from the public domain, and Parker Street tenancy and AGL space to be used as pop up gallery spaces.</p>

Provision	Compliance	Comment
3.2. Defining the Public Domain	Yes	<p>No additional shadowing to Belmore Park.</p> <p>The proposal will improve the building address to Pitt Street, Barlow, Parker and Hay Streets.</p> <p>The required active frontage along Hay Street remains.</p> <p>Wind analysis report submitted. Report concludes that there would be minimal impacts to local wind environment.</p> <p>Reflectivity of limit of 20% to be achieved in selected materials.</p>
3.5 Urban Ecology	Yes	<p>New landscaping zones proposed at Pitt Street entry.</p> <p>Level 2 terrace garden area to be updated.</p>
3.6 Ecologically Sustainable Development	Yes	<p>Building to maintain 5.5 NABERS rating.</p> <p>Construction to minimise demolition waste.</p>
3.7 Water and Flood Management	Yes	<p>Flood assessment report submitted as part of proposal.</p> <p>The report was reviewed by Council's Public Domain Unit who have advised that the levels included in the report are to be included as part of the public domain works.</p>
3.9 Heritage	Yes	<p>The site contains local heritage item "Former Presbyterian Manse (461-465 Pitt Street) including interior", local heritage item "Former Fire Engine House including interior", and local heritage item "Former "Australian Gaslight Co" including interior".</p> <p>The site is located opposite to heritage items: to the north at 13 Campbell Street the "Capital Theatre", a state heritage item; and at 451 Pitt Street the "Former "Manning Building" including interior", a local heritage item; to the west: the "Corporation Building" including interior at 181-187 Hay Street a state heritage item.</p>

Provision	Compliance	Comment
		<p>The proposed development will not have detrimental impact on the heritage significance of the heritage items located on the site and surrounding heritage items.</p> <p>See further details in the 'Discussion' section below.</p>
3.11 Transport and Parking	Yes	No change to existing parking within basement with access from Parker Street.
3.12 Accessible Design	Yes	The proposal to comply with BCA and DDA requirements.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	Yes	<p>A signage strategy submitted as part of the design report identifies three locations at entry points for future signage.</p> <p>The signage locations are appropriate, further details would be required in a future separate application.</p>

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	N/A	Height in storeys, and maximum street frontage height controls do not apply to the site.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	Existing floor to ceiling heights for the ground floor are greater than 4.5m.

4.2.2 Building setbacks	Yes	Existing building setbacks to be retained.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	Solar diagrams submitted. No overshadowing of dwellings.
4.2.3.5 Landscaping	Yes	Landscaping plan submitted for landscaping at ground and Level 2 balcony terrace area.
4.2.4 Fine grain, architectural diversity and articulation	Yes	Pitt Street elevation includes five distinct building frontage elements. A change of material along Parker Street will assist in providing a break to the existing building form.

Section 5 – Specific Areas

5.1 Central Sydney

Provision	Compliance	Comment
5.1.1 Street frontage heights	Existing building form retained.	Podium base to a height of 13m. 20m street frontage at southern end of Pitt St and main commercial tower entry Tower to southern boundary has no setbacks above the podium.
5.1.2 Building setbacks	Existing building form retained.	Setback above frontage height of 5.5m to building returns at Pitt Street retained.
5.1.5 Building bulk	Yes	Existing floor plates retained. Typical tower floor plate 1,145sqm.
5.1.6 Building exteriors	Yes	Selected materials reinforce the masonry character of Central Sydney. Final material selection recommended to be determined by viewing large scale prototype on site.

Provision	Compliance	Comment
5.1.10 Sun access planes	Refer to comment above.	Sun planes defined under cl 6.17 of SLEP 2012 and illustrated within the DCP.

Discussion

Clause 4.6 Request to Vary a Development Standard

22. The western side of the site is subject to a maximum height of buildings development standard of 50m. Works to the existing building are proposed to a height of 119m.



Figure 24: Extract from Sydney LEP 2012 height of buildings map

23. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) the proposed development will be consistent with the objectives of the zone; and

(d) the proposed development will be consistent with the objectives of the standard.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

24. The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - i. The objectives of the development standard are achieved notwithstanding non-compliance with the standard in that:
 1. The proposal does not result in any change to the height, bulk, scale or surrounding landform of the existing building;
 2. The proposal does not result in any change to the height, height transition between heritage items and other building on or near the site; and
 3. The proposal does not result in any change to the height, bulk, scale of the existing building and will have no impact on public or private views.
 - ii. On the site, the 50m height standard in Sydney LEP 2012 was abandoned when the Commonwealth constructed the existing building in 1988/1989.
 - iii. The 50m height standard does not reflect the existing built form on the site.
- b. That there are sufficient environmental planning grounds to justify contravening the standard:
 - i. the works will assist in addressing an existing safety issue with the failing of the current cladding;
 - ii. the works will not increase the bulk of the existing building;
 - iii. the works will not cast additional shadows to Belmore Park; and
 - iv. the proposed materials will have a masonry form consistent with the existing character of the building.
- c. The proposed development will be consistent with the objectives of the zone:
 - i. the proposal will provide a contemporary workplace for a technology focused community;
 - ii. the existing floorspace on the site (and employment potential) will be retained and improved. The proposal is for an employment use;

- iii. the proposal will improve amenity on the site for works and visitors to the site;
 - iv. the proposal improves pedestrian amenity and connectivity to Central Station and the light rail; and
 - v. the proposal improves activation along the site frontages to Pitt Street, Barlow Street, Parker Street and Hay Street.
- d. The proposed development will be consistent with the objectives of the standard;
 - i. As noted above.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

25. Development consent must not be granted unless the consent authority is satisfied that:
- e. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - f. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

26. The submitted request has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case by demonstrating that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The proposed works do not result in additional height to the existing condition of the site and its context; it maintains the existing building in terms of the height transitions between buildings including heritage buildings on the site and nearby heritage items; and does not impact upon views.

Does the written request adequately address those issues at clause 4.6(3)(b)?

27. The submitted request has demonstrated there are sufficient environmental planning grounds to justify contravening the standard in the circumstances. The existing failing cladding is required to be made safe and to require strict compliance with the height standard would preclude these works. The proposed works do not result in additional shadowing being cast to Belmore Park with the design of the cladding on building corners designed not to 'overlap' at the corners. The proposed material type and design is suited to the context subject to a final selection of material tone.

Is the development in the public interest?

28. The proposal is considered to be in the public interest as it is consistent with the objectives of the height of buildings standard and the objectives of the B8 Metropolitan Centre Zone.
29. The objectives of the height of buildings standard are:
 - (a) to ensure the height of development is appropriate to the conditions of the site and its context,
 - (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special characters,
 - (c) to promote the sharing of views,
 - (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,
 - (e) in respect of Green Square -
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.
30. As noted above, the submitted request has demonstrated that the proposal is consistent with and achieves the objectives of the height of buildings standard.
31. The objectives of the B8 Metropolitan Centre Zone are:
 - (a) to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy;
 - (b) to provide opportunities for an intensity of land uses commensurate with Sydney's global status;
 - (c) to permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community;
 - (d) to encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling; and
 - (e) to promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.
32. The proposal is consistent with these objectives in that it provides maintenance and some renewal to an existing commercial building in an accessible location. Included works will improve the buildings' street level presentation and activation as well as the conservation of heritage items on the site.

Conclusion

33. For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B8 Metropolitan Centre Zone.

Heritage

34. The following locally listed heritage buildings are located on the site:
- (a) "Former Presbyterian Manse (461-465 Pitt Street) including interior";
 - (b) "Former Fire Engine House including interior"; and
 - (c) "Former "Australian Gaslight Co" including interior"('AGL Building').
35. Heritage listed buildings in the vicinity include:
- (a) the "Capital Theatre", a state heritage item at 13 Campbell Street;
 - (b) the "Former "Manning Building" a local heritage item at 451 Pitt Street; and
 - (c) the "Corporation Building " a state heritage item and at 181-187 Hay Street.
36. Details of the works to the heritage listed buildings on the site includes:
37. Former AGL Building:
- (a) Demolition works to later non-significant fabric of the building at the rear (west), southern internal glass wall and precast columns on northern elevation.
Removal of services and non-original upstand and balustrades;
 - (b) Addition of new sandstone clad wall to southern elevation;
 - (c) New internal stair to entry verandah within building;
 - (d) Repurposing the use of the building as an event space.



Figure 25: Former AGL Building: internal glass wall to be demolished.

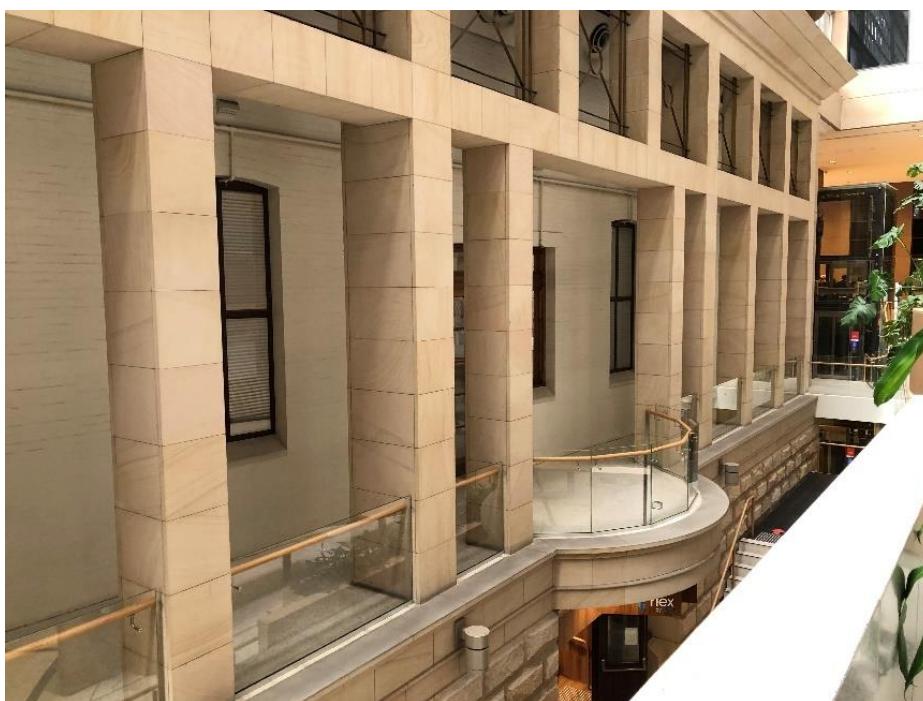


Figure 26: Former AGL Building: false columns at rear to be demolished.

38. Former Fire Engine House:

- (a) General repairs including cleaning and repainting;
- (b) Replacement of non-significant paving around exterior of café; and

- (c) Installation of palisade fencing to the north and south of the building.



Figure 27: Former Fire Engine House

39. Former Presbyterian Manse:

- (a) general repairs and cleaning;
- (b) replacement of non-significant paving around exterior; and
- (c) installation of palisade fencing to south and west of building.



Figure 28: Former Presbyterian Manse

40. The application has been reviewed by Council's Heritage Specialist who has advised that the proposal is generally supported. The demolition works proposed are to fabric associated with the later Sydney Central development. The new sandstone wall to the southern elevation of the AGL building is sympathetic to the item. Conditions are recommended to ensure new internal works are easily reversible. Fencing is recommended to only be closed outside of operating hours.

Facade Cladding

41. As noted earlier within the report, the existing commercial building facade is failing resulting in falling aggregate to the street below. Street hoarding is currently in place around the building in response to this risk. The proposed new cladding on the building is to be directly applied to the existing building with a new vertical proportion design of GRC cladding with spandrel panel behind to match the existing window colour. Details of the new cladding are shown in the images below.

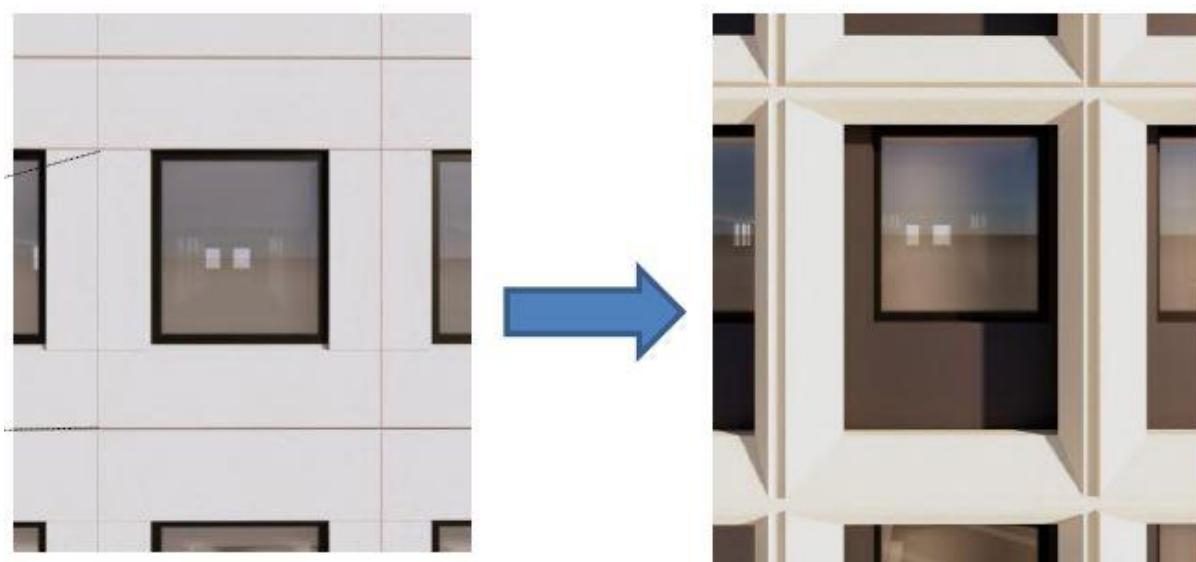


Figure 29: Depiction of new cladding design

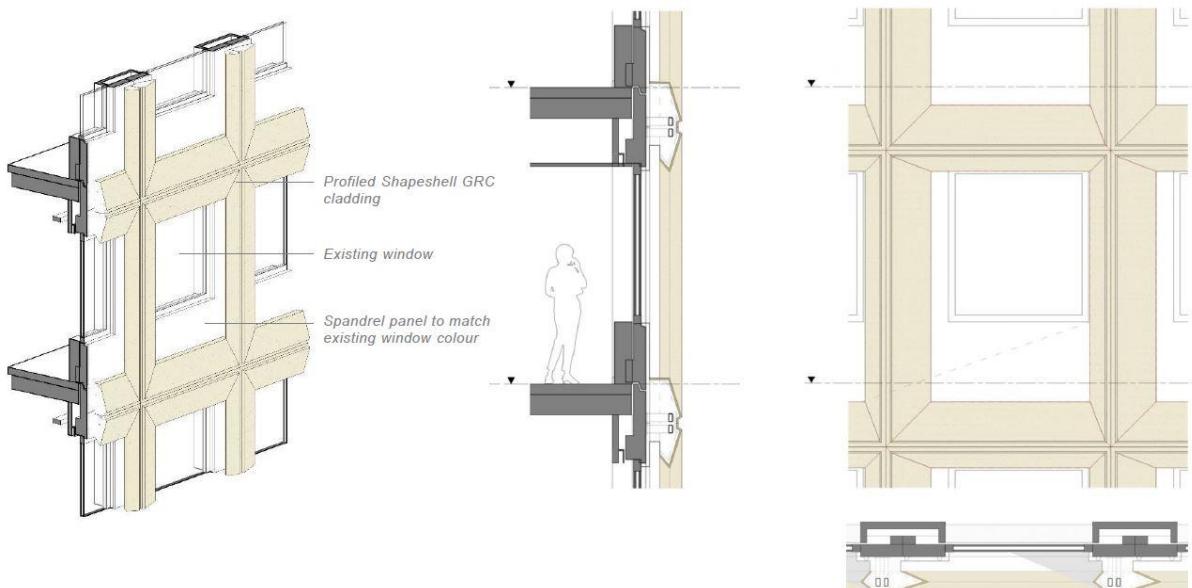


Figure 30: Cladding details

42. The design of the cladding has taken into account the requirement for no additional overshadowing of Belmore Park. This includes the removal of portions of the existing building corner facade and angled corner design for new cladding. The corner design is illustrated in the figure below.

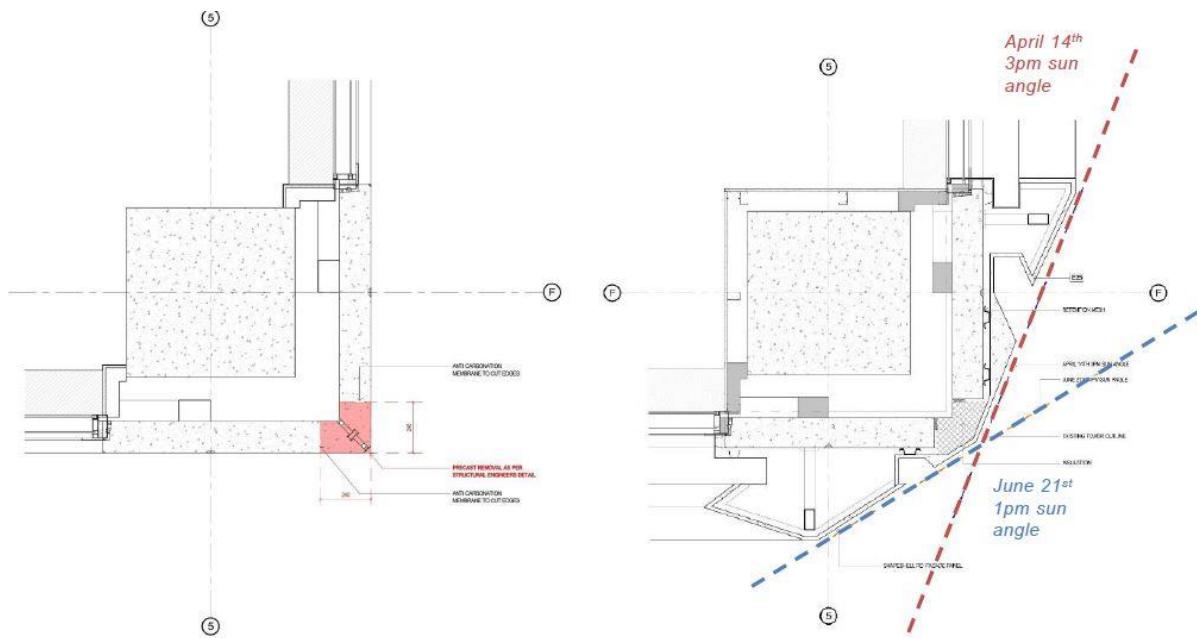


Figure 31: Corner detail: existing (left) and proposed (right)

43. The submitted materials samples board includes four samples of GRC material selected in response to the tones of nearby buildings including nearby heritage items. The applicant has indicated that the final selection of material would be subject to large scale prototypes being viewed on site to determine the best contextual fit. This approach is supported and forms part of the recommended conditions.



Figure 32: Materials samples: GRC cladding

Pitt Street Entry

44. The proposal includes demolition works to the ground plane at the southern side of the building with the construction of a new distinct building form from the tower above including a new entry point at Pitt Street and double height glazing along Barlow Street and around to Parker Street. The following images illustrate the proposed works.

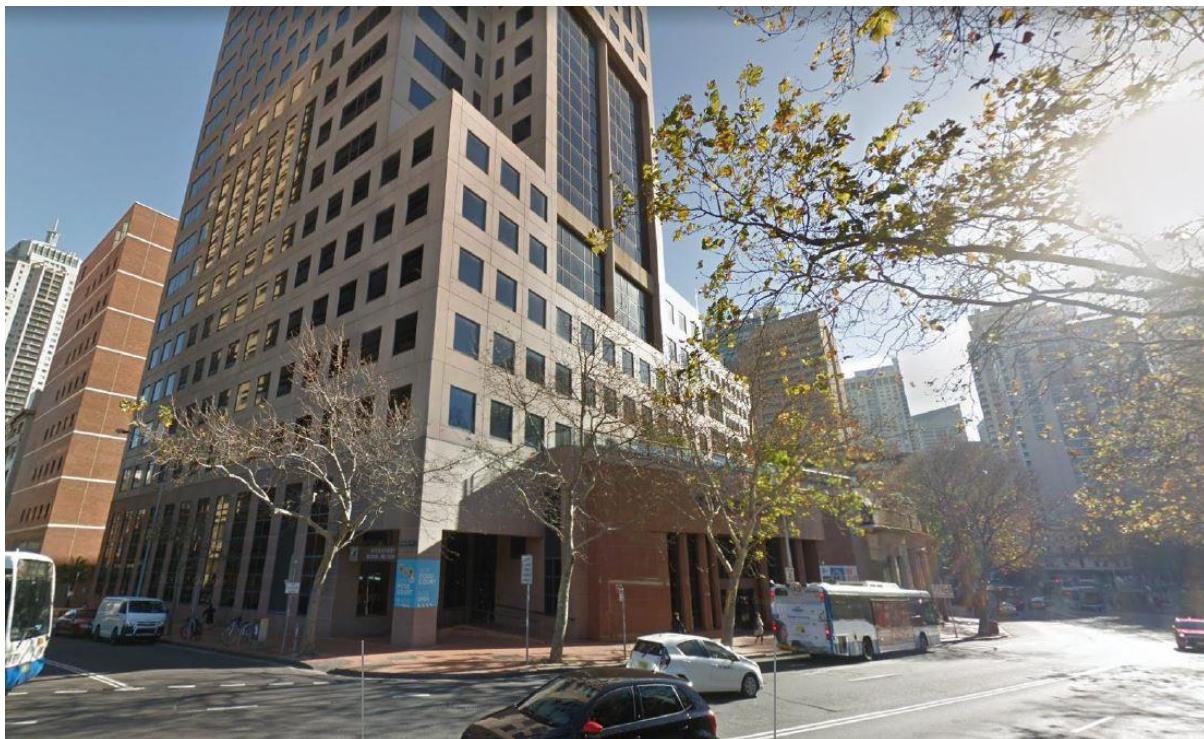


Figure 33: Site viewed from corner of intersection of Pitt Street and Barlow Street - existing



Figure 34: Proposal image: new entry from Pitt Street



Figure 35: Proposal image: new Pitt Street entry



Figure 36: Proposal image: corner of Barlow Street and Parker Street

45. The proposed works are considered to have a positive impact on the ground plane with the inclusion of additional landscaping, improved activation along and around Barlow Street and Parker Street with views into the building lobby including public art. The new entry to Pitt Street provides an improved interface to the heritage Former Australian Gaslight Co building with the new additions more recessive.

Consultation

Internal Referrals

46. The application was discussed with other sections of Council and comments and conditions have been provided as follows:

Unit Referral	Comment
Building Services Supported subject to conditions.	Recommended conditions included.
Environmentally Sustainable Design Supported subject to condition to achieve minimum 5-star NABERS rating.	Recommended conditions included.

Unit Referral	Comment
Heritage Supported subject to conditions.	Recommended conditions included.
Urban Design Supported subject to final selection of materials.	Recommended conditions included.
Public Domain Supported subject to conditions regarding public domain upgrade works.	Recommended conditions included.
Landscaping Supported subject to conditions	Recommended conditions included.
Tree Management Removal of one tree on Level 2 balcony area supported. Supported subject to tree protection conditions.	Recommended conditions included.
Waste Management Supported subject to conditions.	Recommended conditions included.
Transport and Access Supported subject to conditions regarding construction traffic management	Recommended conditions included.
Public Art Supported subject to conditions.	Recommended conditions included.

External Referrals

Ausgrid

47. The application was referred to Ausgrid for comment.
48. A response was received raising no objections to the proposed development.

Sydney Water

49. The application was referred to Sydney Water for comment.
50. A response was received raising no objections to the proposed development with a recommended condition included for any consent.

Advertising and Notification

51. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 2 June 2020 and 1 July 2020. A total of 82 properties were notified and no submissions were received.

Financial Contributions

Levy under Section 61 of the City of Sydney Act 1988

52. 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.
53. A condition relating to this levy has been included in the recommended conditions of consent in the Notice of Determination.

Relevant Legislation

54. Environmental Planning and Assessment Act 1979.

Conclusion

55. The proposed alterations and additions to the existing buildings on the site including cladding works to the 31-storey commercial building, works to the ground plane and building podium, and alterations and repair works to heritage listed buildings have been considered and assessed against the relevant planning controls.
56. The existing building on the site was approved by the Federal Government and there are several existing non-compliances in respect of the current planning controls including height and floor space ratio controls. The submitted request to vary the height of buildings standard is considered to address the relevant requirements under Clause 4.6 of Sydney Local Environmental Plan 2012 and is supported in the circumstances of the application. The proposed alterations are an improvement to the existing building and will make a positive contribution to the public domain and heritage items located on the site. The application is recommended for approval subject to the recommended conditions.

GRAHAM JAHN AM

Director City Planning Development and Transport

Shannon Rickersey, Senior Planner