

Item 5.**Development Application: 194 and 196-204 Pitt Street, Sydney - D/2021/203****File No.:** D/2021/203**Summary**

Date of Submission:	11 March 2021, amended 19 August 2021
Applicant:	v5 Pitt Street Pty Ltd, in its capacity as trustee of the v5 Pitt Street Trust
Architect:	Heritage component: FJMT Studio Podium and tower component: BVN Architecture
Developer:	Innovative Construction and Development Pty Ltd
Owner:	Chairman of City Tattersall's Club
Planning Consultant:	Ethos Urban
Heritage Consultant:	Urbis
Design Advisory Panel:	20 May 2021
Cost of Works:	\$308,070,000
Zoning:	<p>The site is zoned B8 Metropolitan Centre under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).</p> <p>The proposed land use is defined as a "mixed-use development" comprising a "registered club", "retail premises", "office premises", "hotel accommodation" and a "residential flat building", all of which are permissible with consent in the zone.</p>
Proposal Summary:	Development consent is sought for the detailed design of the redevelopment of the City Tattersall's Club, comprising the construction of a new mixed use development on the site to a maximum height of RL 186.158 AHD, with hotel, retail, office, residential and club land uses in a 50 storey podium and tower.

The proposal includes 101 hotel rooms, 241 apartments, demolition of the building at 196 Pitt Street, alterations and additions and conservation works to the heritage buildings at 194 and 198-204 Pitt Street, excavation for 5 basement levels and service vehicle access to Pitt Street.

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

The subject development application requires amendment of the approved concept building envelope. A Section 4.55(2) modification application (D/2018/1246/A) has been lodged separately and has been assessed concurrently. This modification application is also being reported to CSPC this cycle and is recommended for approval. Subject to approval for D/2018/1246/A, the subject development application will be consistent with the concept development consent in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.

An 'invited' architectural design competition was held with BVN selected as the winning scheme. Subject to conditions, the proposal exhibits design excellence and is eligible for 10% additional Floor Space Ratio pursuant to Clause 6.21 of the Sydney LEP 2012.

A preliminary assessment of the application identified concerns relating to the City's Design Advisory Panel (DAP) advice on the proposal, Gross Floor Area (GFA) calculations, communal space provision, solar access and overshadowing, natural ventilation and noise, building expression, facade awnings and shopfronts, structural matters relating to the retained heritage items, landscape design, public art, public domain matters, waste management and BASIX commitments.

These issues have been largely addressed through the resubmission of amended plans and additional information. The amended proposal is now consistent with the winning scheme and the recommendations of the competition jury.

The proposed development complies with key development standards, including the Hyde Park West Sun Access Plane and the maximum Floor Space Ratio (FSR), under Clauses 6.17, 4.4 and 6.4 of the Sydney LEP 2012 respectively.

The application was placed on public exhibition for a period between 18 March 2021 and 16 April 2021 in accordance with the City of Sydney Community Participation Plan 2020, with one submission received in response.

Concerns raised relate to the proposed variations to the concept building envelope, overshadowing, setbacks to the eastern boundary and visual privacy. These issues are addressed within the report.

Subject to conditions, the amended proposal is generally consistent with the applicable planning provisions, including those within the Sydney LEP 2012, Sydney DCP 2012, SEPP 65 and the ADG. Proposed non-compliances have been assessed as having merit in the specific circumstances of the proposal and are addressed in the report.

As a result of the design modifications made to the scheme, the amended proposal has a high standard of architectural design, materials and detailing. It presents an improved outcome, comprises an appropriate response to the site conditions and locality and will result 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) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Roads Act 1993 and Roads Regulation 2018
- (iv) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (v) Airports Act, 1996 (Cth) and Civil Aviation (Building Control) Regulation, 1988
- (vi) State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) and the Managing Land Contamination Planning Guidelines (SEPP 55 Guidelines)
- (vii) State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)
- (viii) State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) (SEPP 70)
- (ix) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)

- (x) State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- (xi) Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- (xii) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (xiii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (xiv) Sydney Landscape Code Volume 2: All Development Except for Single Dwellings 2016
- (xv) City of Sydney Interim Floodplain Management Policy 2014
- (xvi) City of Sydney Guidelines for Waste Management in New Developments
- (xvii) City of Sydney Public Art Policy 2011
- (xviii) City of Sydney Public Art Strategy 2011
- (xix) City of Sydney Interim Guidelines for Public Art in Private Developments 2006
- (xx) Central Sydney Archaeological Zoning Plan 1992
- (xxi) Central Sydney Development Contributions Plan 2013
- (xxii) City of Sydney Community Participation Plan 2020
- (xxiii) Planning Proposal: Central Sydney 2020

Attachments:

- A. Recommended Conditions of Consent
- B. Demolition and Plan Drawings
- C. Elevation and Section Drawings
- D. Assembly and Ventilation Drawings
- E. Site and Perspective Drawings
- F. Selected Landscape Drawings

Recommendation

It is resolved that consent be granted to Development Application Number D/2021/203 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 the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide.
- (C) The proposal complies with the maximum floor space ratio development standard in Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012.
- (D) The proposal will conserve the heritage significance of the former Symonds' building and the City Tattersall's Club in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (E) The proposal complies with the Hyde Park West Sun Access Plane in accordance with Clause 6.17 of the Sydney Local Environmental Plan 2012.
- (F) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (G) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (H) The proposed development is consistent with the amended concept approval for the site, being D/2018/1246/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (I) The proposed development has a height, scale 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 setting of the 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 mix of compatible land uses will support the vitality of the area and 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 public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

Background

The Site and Surrounding Development

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



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

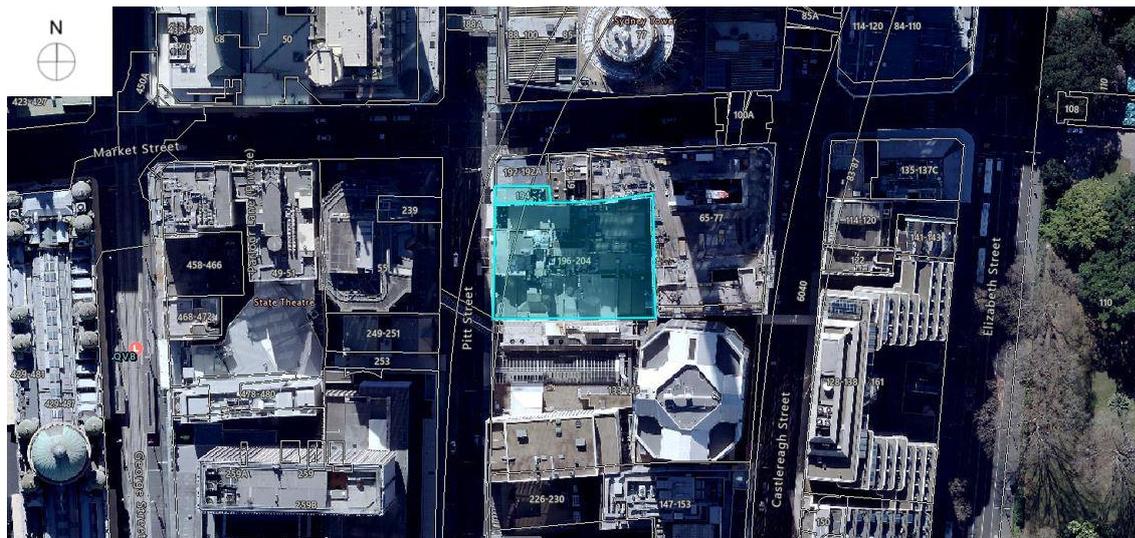


Figure 2: Aerial photograph of the subject site in blue and surrounding area



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

5. The site contains four buildings, ranging in height from 3 to 7 storeys. The buildings currently accommodate the City Tattersall's Club.
6. Buildings on the site currently have no off-street car parking, loading facilities or vehicular access.
7. 194 Pitt Street is occupied by a 7 storey commercial building with a single basement level, listed as a heritage item (Item I1927 – former Symonds' building including interior, local significance) under Schedule 5 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

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



Figures 4 and 5: Front elevation of 194 and 196 Pitt St (left) and 198-200 Pitt St (right)



Figure 6: Front elevation of 202-204 Pitt St



Figure 7: The existing buildings on the site at 194, 196, 198-200 and 202-204 Pitt St, from left to right, outlined in red

The Locality

12. The surrounding area is characterised by a mixture of office, retail, food and drink premises, hotel accommodation and residential accommodation uses, serviced by busy city streets.
13. To the north of the site is a 7 storey commercial building at 192-192A Pitt Street, listed as a heritage item (Item I1926 – former Fay’s Chambers, exterior only, local significance) under Schedule 5 of the Sydney LEP 2012, and a 13 storey commercial building at 61-63 Market Street.
14. Further to the north, on the opposite side of Market Street, is the Westfield Sydney retail and commercial complex and Sydney Tower at 188 Pitt Street, which includes a 7 storey podium, three commercial towers and two listed heritage items (Item I1695 – Commercial building facade and Item I1696 – Former Bank of NSW facade, both with local significance) under Schedule 5 of the Sydney LEP 2012.
15. To the north-west, on the northern side of Market Street, is the Pitt Street Mall and a number of buildings at 432-450 George Street, which include the Sydney Central Plaza retail and commercial complex, the Myer department store, the Swissotel Hotel, a residential flat building and five listed heritage items (Item I1784 – Former Crystal Hotel facade, Items I1785 and I1786 – Former Farmer and Co department store facades, Item I787 – Former Way Building facade and awning and Item I1788 – Former Central Pitt building facade, all with local significance) under Schedule 5 of the Sydney LEP 2012.
16. Adjoining the site to the east, and partially to the north, is the former David Jones Market Street store at 65-77 Market Street, which is currently undergoing redevelopment in accordance with development consent D/2019/263. This building is listed as a heritage item (Item I1888, local significance) under Schedule 5 of the Sydney LEP 2012.

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



Figures 8 and 9: Former Fay's Chambers at 192-192A Pitt St (left) and the existing building at 61-63 Pitt St and the former David Jones Market St store at 65-77 Market St (right)



Figures 10 and 11: Westfield Sydney at 188 Pitt St (left) and the Sydney Central Plaza, Myer department store, Swissotel and residential flat building at 432-450 George St (right)



Figure 12: Pitt St Mall



Figures 13 and 14: Existing building at 55 Market St (left) and Simpsons House at 249-251 Pitt St and the existing building at 253 Pitt Street (right)



Figures 15 and 16: Hilton Hotel at 259 Pitt St (left) and the Piccadilly Centre at 133-145 Castlereagh St (right)

History Relevant to the Development Application

History of the site

194 Pitt Street

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

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

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

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

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

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

196 Pitt Street

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

198-200 Pitt Street

24. The City Tattersall's Club building was built in 1924 of plastered masonry, steel and concrete construction, in the Inter-War Commercial Palazzo style. It is 5 storeys in height, with a single basement level.

25. The building is a locally listed heritage item. Key parts of the statement of significance for the City Tattersall's Club Building, as detailed in the Conservation Management Plan for the site, are reproduced below.

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

The site has connections with the former City Tattersalls Club at 249 Pitt Street and most significantly the Former Tattersalls Club 202-204 Pitt Street.

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

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

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

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

202-204 Pitt Street

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

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

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

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

The building has high aesthetic and representative significance as a high-quality example of a Free Classical style facade at a period of transition from the late Victorian to early Federation period.

The interior of the Former Tattersalls Club 202-204 Pitt Street has high significance for two spaces being the former Saloon Room (1891) and the former Billiard Room (1914).

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

History of relevant development consents and planning proposals on adjoining properties

28. The relevant development history of the adjoining property to the east at 65-77 Market Street is as follows:
 - (a) Development consent D/2017/167 was granted on 30 November 2017 for a concept building envelope with a height of up to 124.16 metres (RL 144.35 or approximately 32 storeys), with in-principle approval for conservation and refurbishment of the existing 10 storey heritage listed David Jones building, retention of the existing basement structures and alterations to car parking and servicing areas and retention and widening of the vehicular access via Castlereagh Street; and
 - (b) Development consent D/2019/263 was granted on 2 April 2020 for retention and alteration of the existing retail/commercial building on the site and construction of a 22 storey residential tower above, with a total height of 32 storeys.
29. A photomontage extract of the currently approved development on the site at 65-77 Market Street under the above-mentioned consents is reproduced in Figure 17 below.



Figure 17: Photomontage extract of the detailed design of the approved development at 65-77 Market St, looking south-west

30. The relevant development history of the adjoining property to the south at 133-145 Castlereagh Street is as follows:
 - (a) A planning proposal for amendments to the Sydney LEP 2012 to allow for a maximum FSR of up to 21.53:1 and 250 car parking spaces, contingent on delivery of employment generating uses, through site link, public domain improvements and sky bridge removal, and accompanying site specific DCP for a building envelope was approved by the CSPC on 24 June 2021 to be submitted to the Minister for Planning and Public Spaces for Gateway determination prior to public exhibition.
31. Photomontage extracts of the future development concept for the site at 133-145 Market Street under the above-mentioned planning proposal are reproduced in Figure 18 and Figure 19 below.



Figure 18: Photomontage extract of the future development concept design for the planning proposal at 133-145 Castlereagh St, looking north-west



Figure 19: Photomontage extract of the podium, through site link and Pitt Street frontage of the future development concept for the planning proposal at 133-145 Castlereagh St, looking east

History of previous relevant development applications on the site

32. Development application D/2014/913 for a concept mixed-use building envelope, comprising retail, club, hotel and residential land uses, was submitted to the City on 27 June 2014. The application was withdrawn by the applicant on 30 April 2015.
33. Development application D/2015/1214 for a concept mixed-use building envelope, comprising retail, club, hotel and residential land uses, was submitted to the City on 25 August 2015.
34. Class 1 appeal proceedings against the 'deemed refusal' of this application were commenced on 31 May 2016 with the Land and Environment Court of New South Wales.
35. The appeal was dismissed by the Court on 30 May 2017, with the judgement finding the development having detrimental impacts on the heritage significance of the site.
36. Development consent D/2018/1246 for a concept building envelope for the redevelopment of the City Tattersall's Club, comprising a podium and tower containing indicative residential, retail, hotel and club land uses, was granted consent by the CSPC on 14 November 2019.

Competitive design process

37. An 'invited' architectural design competition was undertaken for the detailed design of the hotel mid podium and residential tower between 8 May and 20 July 2020, in accordance with the relevant conditions of the concept development consent D/2018/1246 and the City of Sydney's Competitive Design Policy.

38. The design of the retention and adaptive reuse of the existing heritage items and of the new infill building is by a separate architect (being FJMT Studio) and did not form part of the competition, in accordance with the Design Excellence Strategy approved under development consent D/2018/1246.
39. The entrants invited to participate were from the following architectural firms:
 - (a) Bates Smart;
 - (b) BVN;
 - (c) Candalepas Associates;
 - (d) DP Architects in partnership with Scott Carver;
 - (e) Hassell Studio; and
 - (f) SJB Architecture.
40. After a design assessment and evaluation process, the BVN scheme was selected as the winning design by the competition jury. The jury was unanimous in its decision to select BVN, for the following reasons:
 - (a) The handling of the mid-podium massing as a strategy to mediate between the strength of the tower form and the heritage streetscape, with consistent treatment to all podium elevations including activation on the south elevation;
 - (b) A design that is suitable for and clearly expressing its mix of uses; that is, hotel in podium, and residential in tower;
 - (c) A contemporary and calm tower expression;
 - (d) Internal planning that provides good amenity and integration with the lower podium levels;
 - (e) Efficient integration of the structure into apartment design and good apartment layouts; and
 - (f) South light to the tower common circulation corridors and including dual light sources to most floors.
41. The jury recommended that these elements should be maintained as the scheme developed further and supported the intent of the design team to collaborate with the architect for the heritage component of the development, in accordance with the approved Design Excellence Strategy.
42. The jury also identified a range of matters to be resolved to ensure the design adequately responded to the design brief and achieves design excellence, while maintaining the original design intent, as follows:
 - (a) Improve the environmental performance of the building and Ecologically Sustainable Development (ESD) aspirations;
 - (b) Develop a clear visual identity at street level working with the Club's architects;

- (c) Reconsider the slot in the podium facade as it detracts from the integrity of the mid-rise architectural expression and reduces functionality. The podium should read as a cohesive backdrop to the heritage buildings;
- (d) Review the design of the facade landscape and its maintenance;
- (e) Resolve the wind effects of the tower on the podium terrace, as these need to be ameliorated to meet a long stay 'sitting' standard of amenity;
- (f) Eastern elevation needs to address key privacy issues of adjacent future development;
- (g) The soffit of the tower requires development particularly as viewed from the street level;
- (h) Tower facade needs development to resolve performance in relation to solar gain, natural ventilation, acoustic attenuation, shading and privacy on all facades;
- (i) Develop an architectural language that can deal with areas of solidity to improve sustainability and privacy;
- (j) The curved glass proposition needs to address internal amenity consequences for both view distortion and room planning and buildability;
- (k) Re-consider the architectural expression at the 'crown' and northern terraces (levels 43 and 44) to better integrate with the overall architectural expression; and
- (l) Resolve level 47 plant to maximise common space.

Concurrent Section 4.55(2) modification application

- 43. A Section 4.55(2) modification application D/2018/1246/A was lodged with the City on 11 March 2021, amended on 9 April 2021, and is assessed concurrently with the subject detailed design development application.
- 44. Modification application D/2018/1246/A, as amended, proposes the following changes to the approved concept building envelope:
 - (a) Adjust the northern tower setback to reflect revised survey information and a more accurate position of the northern site boundary since the approval of the concept development consent;
 - (b) Reduce the 10 metre western setback to Pitt Street by 2.4 metres for balconies at level 6 within the concurrent detailed design development application D/2021/203;
 - (c) Reduce the 10 metre western setback to Pitt Street for a skylight sitting below and behind the existing building parapet above level 5 at 198-200 Pitt Street within the concurrent detailed design development application D/2021/203;
 - (d) Reduce the 10 metre western setback to Pitt Street by 8 metres for roof plant at level 7 within the concurrent detailed design development application D/2021/203;

- (e) Reduce the 15.9 metre southern podium setback by between 0.28 to 0.29 metres;
 - (f) Reduce the 10 metre western tower setback to Pitt Street by up to 0.45 metres;
 - (g) Reduce the 12 metre southern tower setback between 0.34 and 1.45 metres;
 - (h) Reduce the 12 metre eastern tower setback between 0.11 and 0.95 metres;
 - (i) Adjustments to the overall height of the tower envelope to ensure full compliance with the Hyde Park West Sun Access Plane as follows:
 - (i) RL 187.761 (AHD) to its north-western corner;
 - (ii) RL 186.171 (AHD) to its south-western corner;
 - (iii) RL 159.846 (AHD) to its south-eastern corner; and
 - (iv) RL 161.436 (AHD) to its north-eastern corner.
45. The application is to be determined by the CSPC and is recommended for approval, subject to conditions.
46. Refer to the Section 4.55(2) modification application D/2018/1246/A CSPC assessment report for further details.

Subject detailed design development application

47. After finalisation of a preliminary assessment of the proposed development by Council staff, the subject development application and the concurrent Section 4.55(2) modification application D/2018/1246/A were presented to the City's Design Advisory Panel (DAP) on 20 May 2021.
48. The DAP did not provide any specific advice relating to the concurrent modification application, instead providing the following advice and comments in relation to the detailed design application D/2021/203:
- (a) The Panel noted and agreed with the City's preliminary analysis and concerns;
 - (b) The under provision of private and communal open space is not acceptable;
 - (c) The proposed planting on the podium and vertical planting need more work and clarification including information on the plant species and maintenance regime required to make it work;
 - (d) The residential entry is very constrained and lacks legibility. The Panel suggested that it could be improved by replanning and integrating it with the club entry;
 - (e) More information is needed on the materials and finishes on the eastern facade;
 - (f) A thorough study needs to be conducted on the facade system, including Building Maintenance Unit (BMU) access and maintenance;
 - (g) The Panel is concerned that the bronze tinted, concave nature of the glass facade can cause concentrated reflection / glare;

- (h) The Panel is also concerned about the environmental performance and the amenity / provision of natural ventilation;
 - (i) The integration of the acoustically attenuated passive ventilation into facade is supported and it is recommended that the developed design of the ventilator is physically tested to confirm adequate performance;
 - (j) Openable windows or similar are still required to all habitable rooms and the City's guidelines for alternative natural ventilation should be followed; and
 - (k) The Panel also noted that more detail is needed on the materials and the application of sandstone on the infill building.
49. A written request for additional information and amendments was sent to the applicant on 4 July 2021, including the following:
- (a) Reiteration of the DAP advice outlined above;
 - (b) Queries on the calculation of Floor Space Ratio (FSR) and Gross Floor Area (GFA);
 - (c) Concern raised in relation to the quantum of communal space provided;
 - (d) Additional documentary analysis in accordance with the City's draft 'Minimising overshadowing of neighbouring apartments documentation guide';
 - (e) Further detail on the proposed natural ventilation plenum system;
 - (f) Further investigation and consideration of matters relating to glazing reflectivity, hotel and tower 'crown' facade materials;
 - (g) Further investigation of reconstruction, restoration and interpretation of original street awnings and ground level shopfronts;
 - (h) Further details on potential structural updates and retrofitting interventions to the retained heritage buildings;
 - (i) Concern raised in relation to the proposed jacking up of the club's Billiards Room and lowering of columns beneath the Club Bar Room;
 - (j) An updated coordinated landscape package, including addressing planting and facade details, wind report recommendations and confirmation of the suitability of the planting design;
 - (k) Additional public art details, including a revised public art budget;
 - (l) Additional public domain details, including levels and gradients information, compliant flood levels, stormwater quality information and a revised indicative driveway design;
 - (m) Retention of the existing street trees to Pitt Street;
 - (n) Waste management information, including confirmation of Council waste collection and an updated waste management plan (WMP); and
 - (o) Additional BASIX commitment details.

50. Council staff met with the applicant and worked with the applicant's consultant team to help resolve issues raised.
51. The applicant responded to the request on 19 August 2021 with a comprehensive package of information and updated drawings.
52. A number of design issues have been satisfied by the amended drawings and through the provision of additional evidence and detail, including provision of:
 - (a) Additional information to address the matters raised by the DAP, including:
 - (i) Provision of amended and additional communal space at levels 14 and 15;
 - (ii) An amended landscape strategy and additional facade landscape and planting details;
 - (iii) A comparative analysis of similar CBD residential lobbies;
 - (iv) Amended assembly drawings and visual samples to illustrate materials and finishes to all facades, including the east elevation, and clarification of the spandrel shadowbox materiality;
 - (v) A BMU access strategy detailing the proposed facade management system;
 - (vi) Clarification that the proposed glazing system is to be constructed of clear vision glass, with no bronze tint and colourback glass spandrels;
 - (vii) Submission of a solar light reflectivity study response detailing that focal points of concave surfaces are positioned at approximately 1.3 metres from each concave centre;
 - (viii) Detailed ventilation drawings to demonstrate operability to provide alternative access to natural ventilation, purge ventilation and compliance with National Construction Code (NCC) ventilation requirements;
 - (ix) Additional modelling of the acoustic plenum systems to confirm habitable rooms meets the minimum ventilation performance requirements; and
 - (x) A comprehensive visual study of the proposed materials and finishes to the infill building at 196 Pitt Street;
 - (b) Revised GFA and FSR documentation;
 - (c) Additional solar access documentation;
 - (d) Revised plenum design drawings and documentation;
 - (e) Revised tower 'crown' design and additional information on materials and finishes;
 - (f) Additional information relating to the street awnings and ground level shopfronts;
 - (g) Structural drawings and methodologies for the retention and works to the subject heritage items;

- (h) An updated landscape package;
 - (i) A revised public art budget;
 - (j) Revised and additional public domain information and drawings, including revised ground floor levels, stormwater quality report and amended indicative driveway design and retention of all adjacent street trees;
 - (k) Additional waste management information and an updated WMP; and
 - (l) Additional BASIX details.
53. Minor design issues that remain unresolved have been addressed by way of the conditions included in Attachment A, as part of the recommendations of this report.
54. The assessment provided in this report is based on the amended application received on 19 August 2021 and additional information outlined above.

Proposed Development

55. The application seeks consent for the detailed design of the redevelopment of the City Tattersall's Club, comprising the construction of a new mixed use development on the site to a maximum height of RL 186.158 AHD, with hotel, retail, office, residential and club uses in a 50 storey podium and tower.
56. Specifically, the proposal involves the following:
- (a) Demolition of the existing building at 196 Pitt Street;
 - (b) Partial demolition of the existing buildings at 194 Pitt Street, 198-200 Pitt Street and 202-204 Pitt Street;
 - (c) Site preparation, excavation, remediation and retention works;
 - (d) Construction and use of five basement levels, including:
 - (i) A loading dock and turntable;
 - (ii) Substation;
 - (iii) Residential, hotel, retail and club bicycle parking and end of journey facilities;
 - (iv) Residential and club storage; and
 - (v) Waste, servicing and plant areas;
 - (e) Alterations and additions, including heritage conservation works and indicative use of the building at 194 Pitt Street as retail premises and office premises, including a new shopfront, street awning, internal lift and rooftop plant;

- (f) Construction of a new building at 196 Pitt Street, including:
 - (i) Driveway to Pitt Street, residential lobby and bicycle parking facilities at ground level;
 - (ii) New street awning, infill facade to a height of six storeys, indicative club uses, facilities and connections at each level with the adjoining building at 198-200 Pitt Street; and
 - (iii) Introduction of a street facing balcony at level 1 and roof terrace at level 5;
- (g) Alterations and additions to the existing building at 198-200 Pitt Street, including:
 - (i) New ground level shopfronts, reconstructed street awning, club entry lobby, reception and lounge;
 - (ii) Retention, conservation and reconstruction of the heritage significant fabric, including the Lower Bar room and Celebrity Club Lounge room above;
 - (iii) Plant rooms and indicative hotel and club uses between levels 1 to 5, including administration, function rooms, back of house areas, amenities and gym;
 - (iv) Construction of a swimming pool at level 4;
 - (v) Introduction of a street facing balcony at level 1 and roof terrace at level 5;
 - (vi) Construction of a central lift core to the hotel podium and residential tower above, including:
 - i. Three residential lifts;
 - ii. Two hotel lifts;
 - iii. Two goods lifts; and
 - iv. Two club lifts;
- (h) Alterations and additions to the existing building at 202-204 Pitt Street, including:
 - (i) New ground level shopfronts and street awning, hotel entry lobby, indicative cafe, concierge, and hotel back of house areas;
 - (ii) Retention, conservation and reconstruction of heritage significant fabric, including the Corinthian Room, Billiard Room, rooftop lantern and parapet horse statue;
 - (iii) Construction of a 'pod' structure within the former rear courtyard of the building at 202-204 Pitt Street, containing plant rooms and indicative club kitchen uses;
 - (iv) Plant rooms and indicative club uses between levels 1 to 3, including club lounge and function rooms;

- (i) Construction of an 8 storey hotel mid podium, containing 101 hotel rooms, hotel amenities and plant areas, with landscape planters within the west facade and hotel room balconies at level 6;
 - (j) Construction of a 34 storey residential tower, containing 241 apartments, with landscaped communal open space at level 14 and communal rooms at level 14 and 15 and a residential shuttle lift between levels 44 to 46;
 - (k) Construction of a tower 'crown' with three levels of plant, including a Building Maintenance Unit (BMU);
 - (l) Installation of a 45 kWp rooftop photovoltaic panel array;
 - (m) A signage strategy and three signage zone locations including:
 - (i) The fascia awning of the building at 198-200 Pitt Street;
 - (ii) The ground floor facade to the shopfronts along Pitt Street; and
 - (iii) The top of building west tower facade.
57. The proposed development does not seek consent for the detailed design for any signage.
58. Although the application includes details of the base fit out and indicative uses for the City Tattersall's Club and retail / office premises within the building at 194 Pitt Street, the specific detailed design for both the Club and retail / office premises fit out and uses is not proposed.
59. These fit out works and uses, including heritage conservation measures linked to the fit out works, will be subject to separate applications.
60. The application specifies the following hours of operation in relation to the mix of various land uses throughout the proposed development:
- (a) Retail and office premises: Subject to future application(s);
 - (b) Registered Club: Subject to separate future application(s), consistent with the existing approved hours of operation;
 - (c) Hotel: 24 hours per day, 7 days per week; and
 - (d) Loading dock: 7:30pm to 7:30am.
61. The application seeks approval for the staged construction of the proposed development.
62. The proposed construction staging is set out in the table provided below.

Stage	Works
1	Demolition and heritage protection works
2	Bulk excavation and retention works
3	Structure works (podium and tower)
4	Facade works
5	Services and fit out works, including basement levels
6	Public domain works

63. The recommended conditions included in Attachment A have been formulated having regard to the proposed staging.
64. A full set of architectural drawings and selected landscape drawings are provided in Attachments B through F inclusive.
65. Selected drawing extracts of the proposed development are reproduced in the figures provided below.



Figure 20: Perspective viewed from the south-west, with the future development at 65-77 Market St shown as transparent



Figure 21: Perspective of the proposal, viewed from the north-west, with the Myer building hidden and future development at 65-77 Market St shown as transparent



Figure 22: Perspective of the proposal, viewed from Hyde Park to the east, with the future development at 65-77 Market St shown as transparent



Figure 23: Perspective of the proposal, viewed from the west, with the building at 55 Market St and future development at 65-77 Market St hidden



Figure 24: Perspective of the proposal, viewed from the south west at street level.



Figure 25: Perspective of the proposal, viewed from Pitt St mall to the north

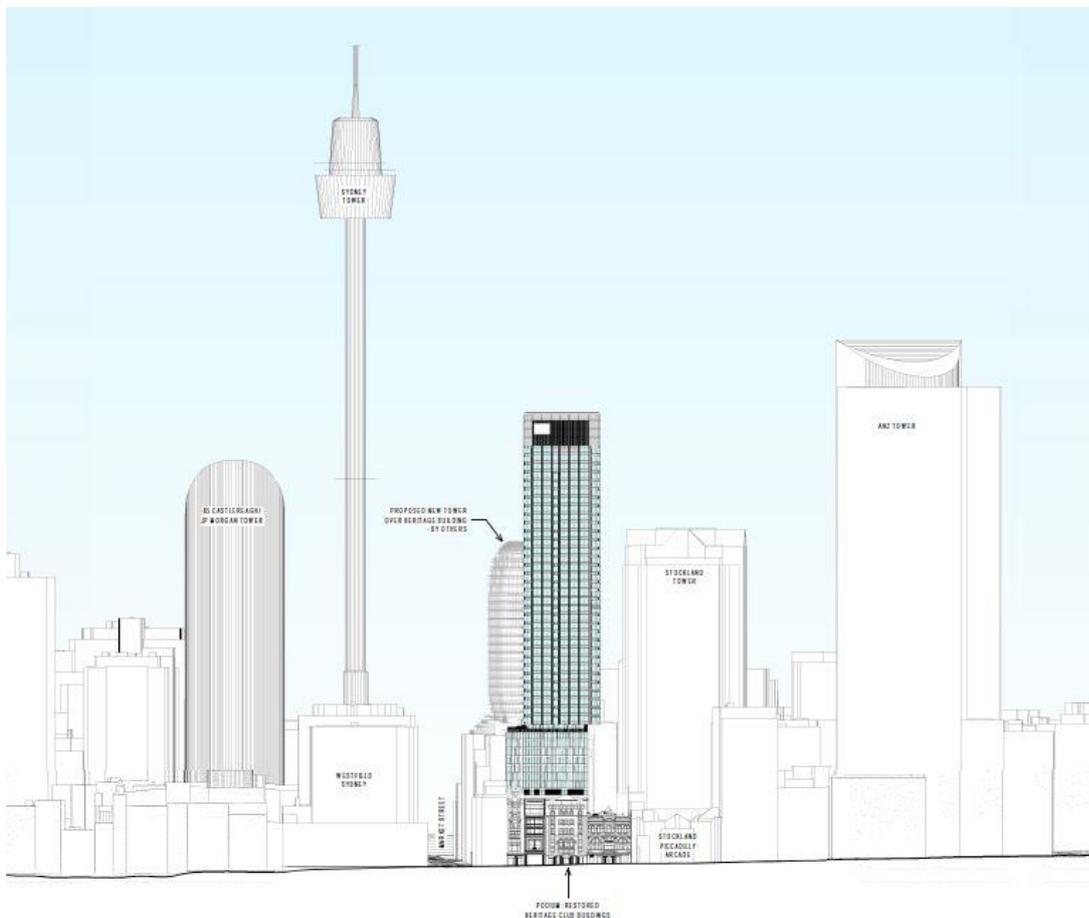


Figure 26: Streetscape context west (Pitt St) elevation

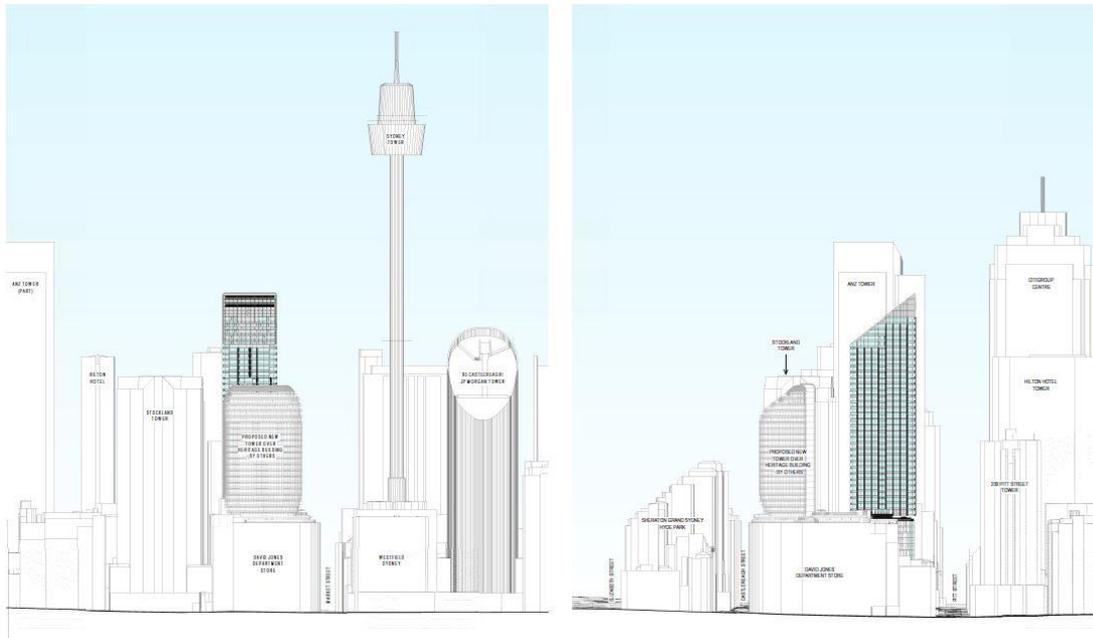


Figure 27: Streetscape context east (Castlereagh St) left, and north (Market St) elevation right

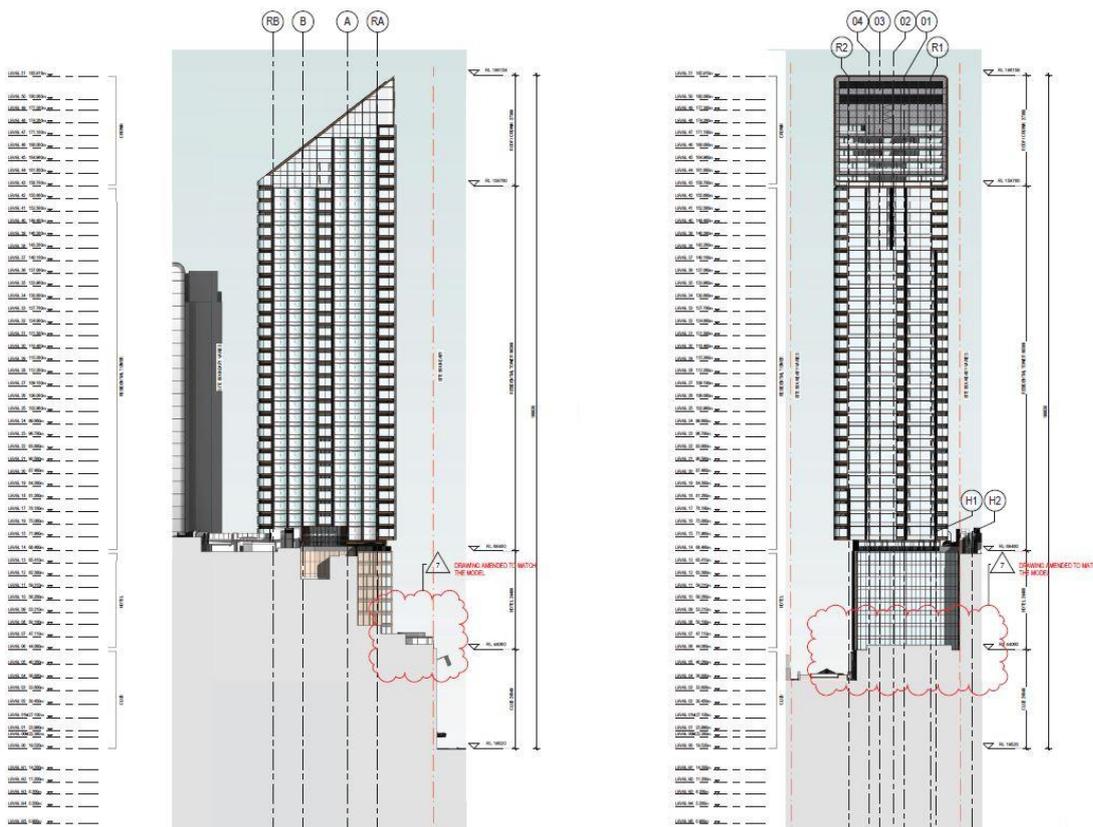


Figure 28: North (Market St) elevation left, and east (Castlereagh St) elevation right

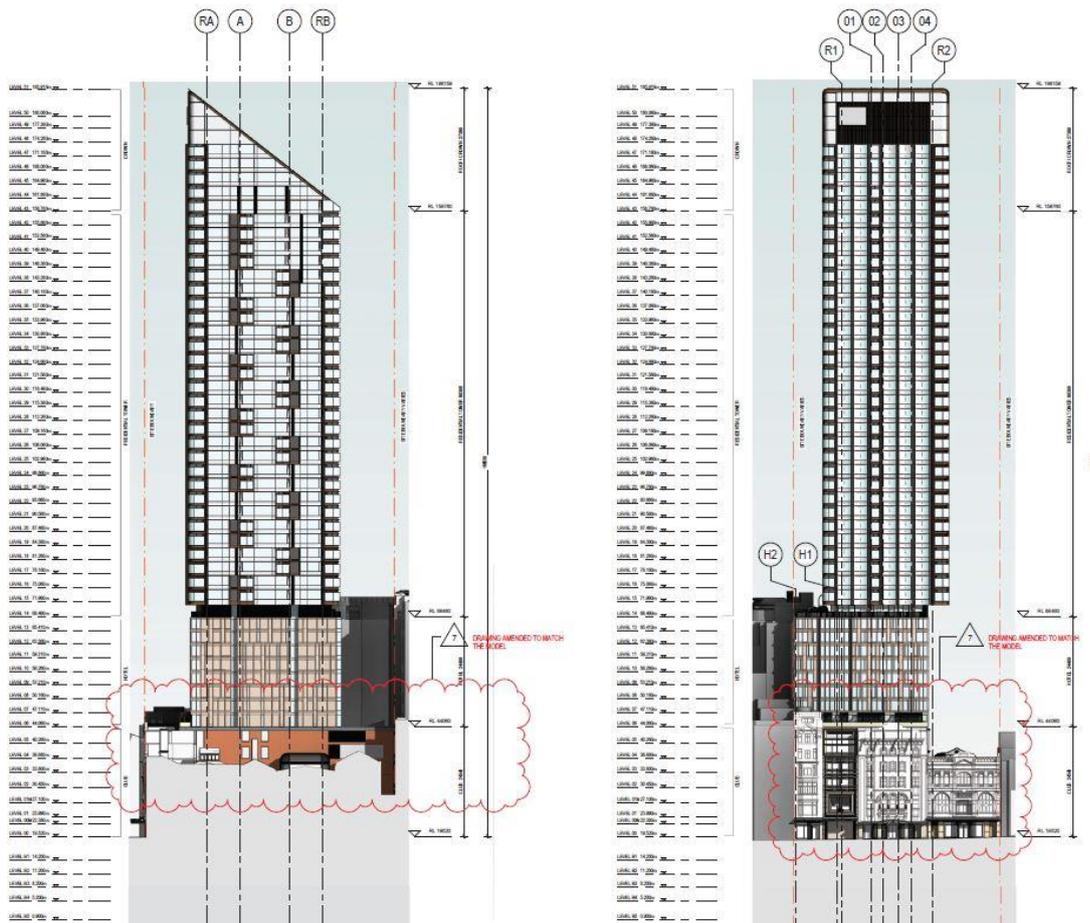


Figure 29: South elevation left, and west (Pitt St) elevation right

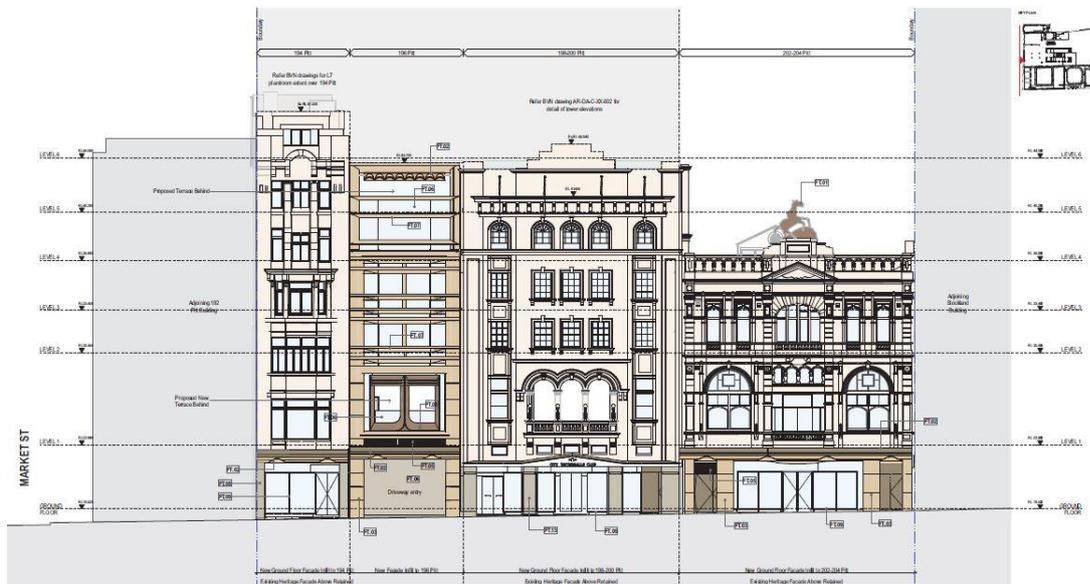


Figure 30: West (Pitt St) street wall detail elevation

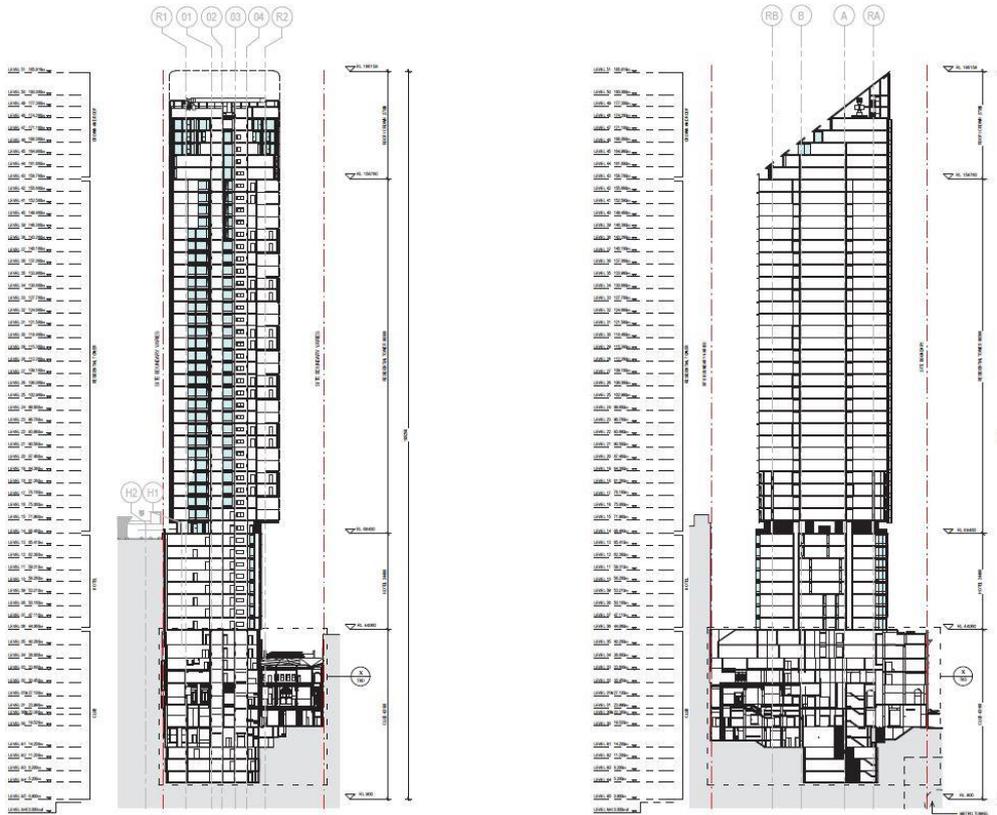


Figure 31: Section A (north-south) left, and Section B (east-west) right

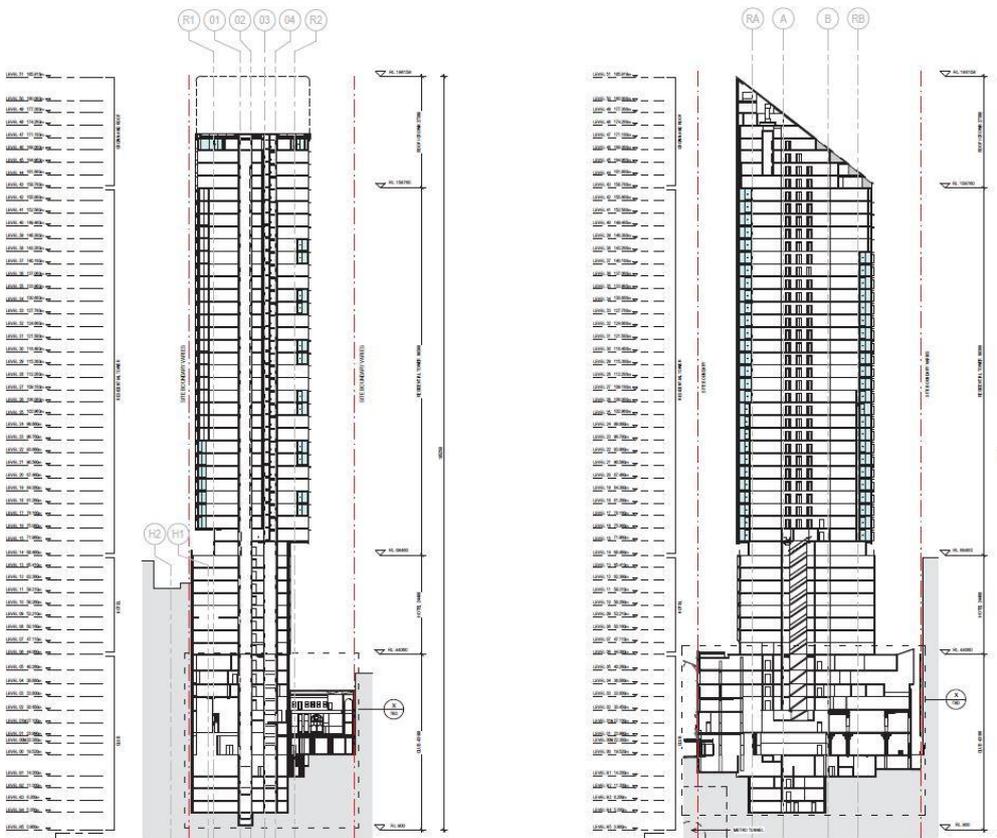


Figure 32: Section C (north-south) left, and Section D (west-east) right



Figure 35: Ground level plan

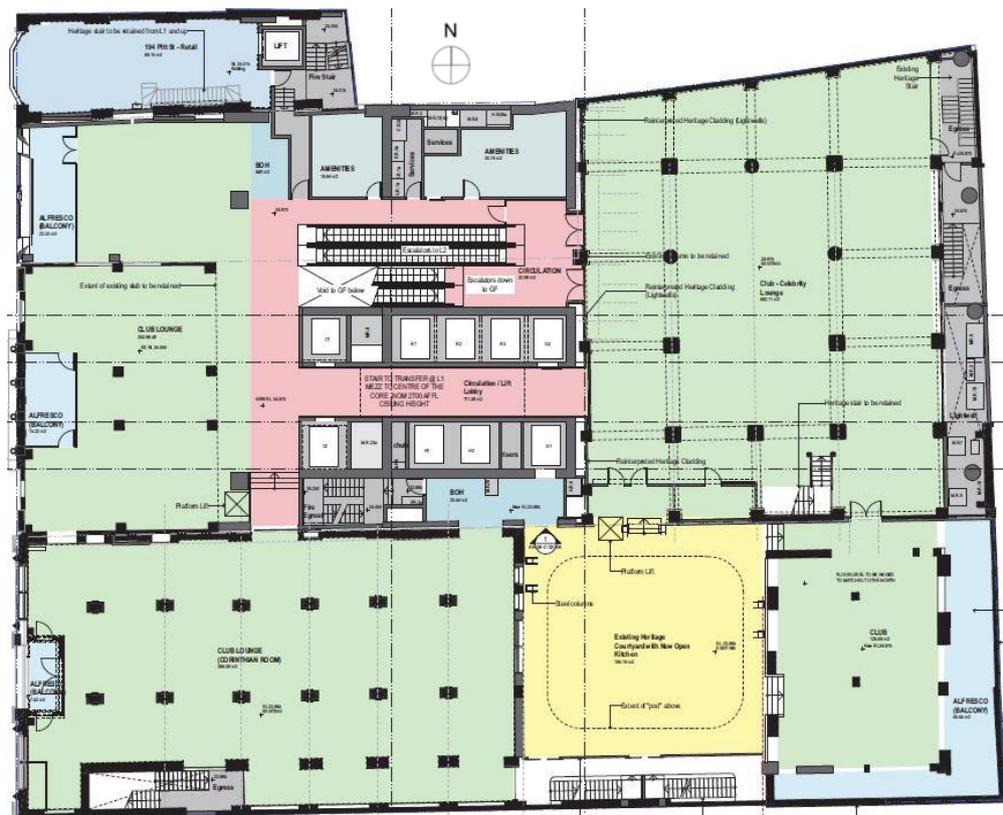


Figure 36: Level 1 plan

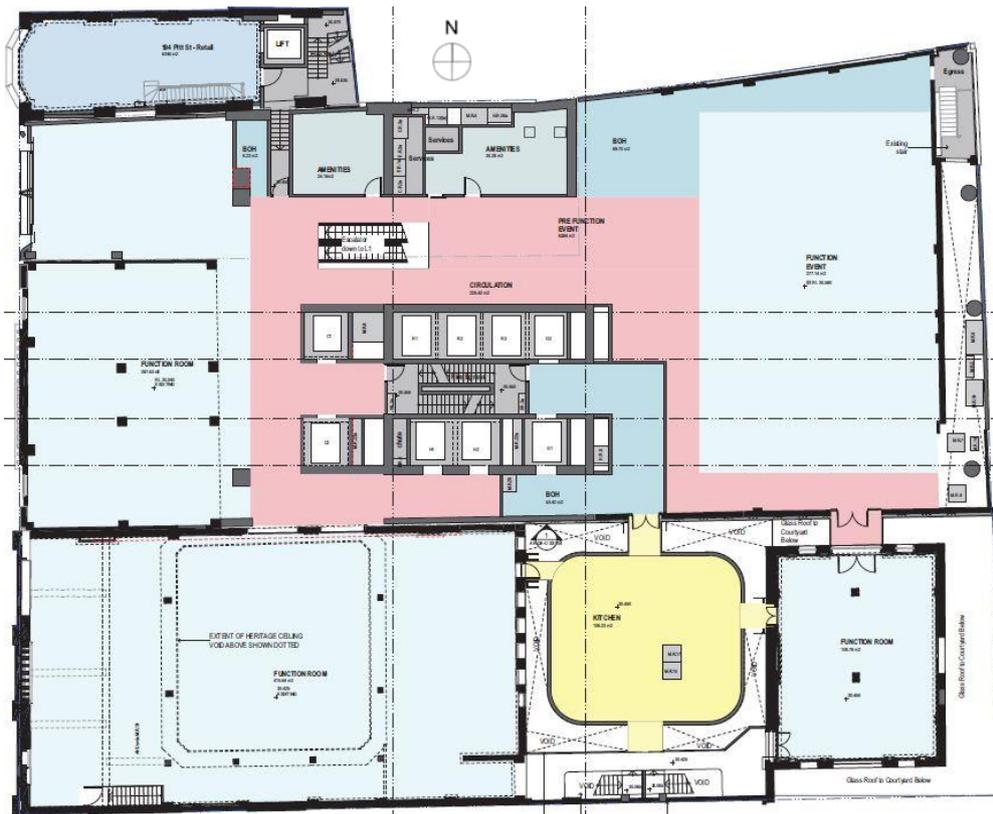


Figure 37: Level 2 plan

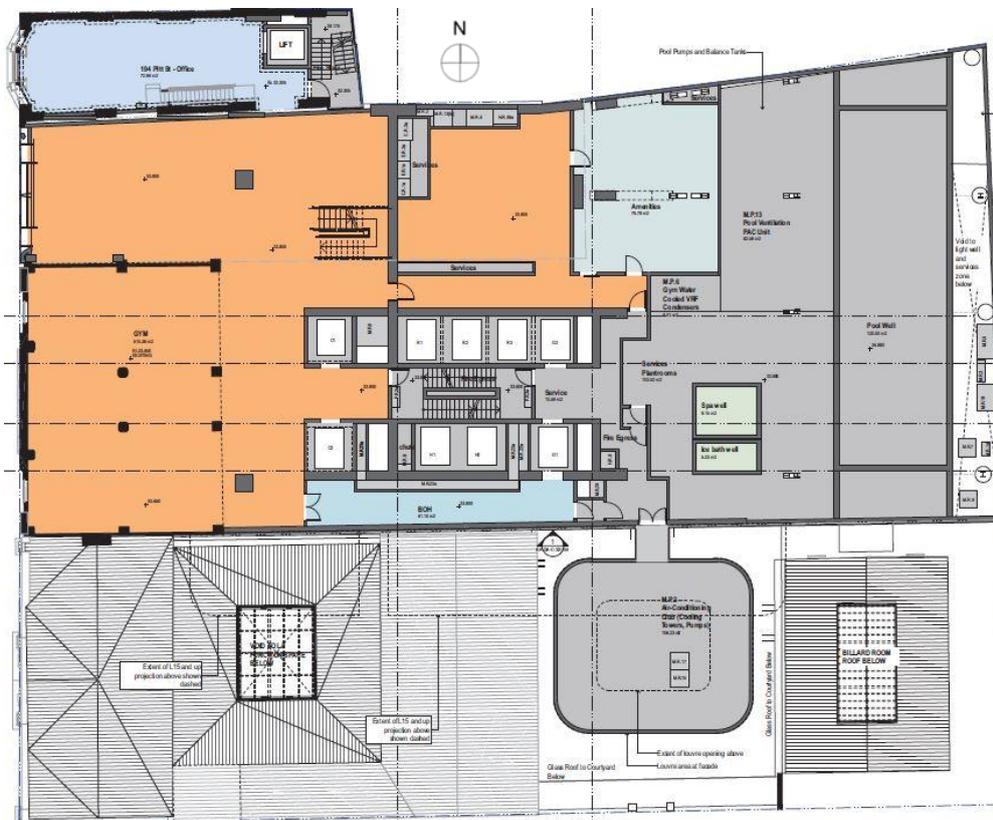


Figure 38: Level 3 plan

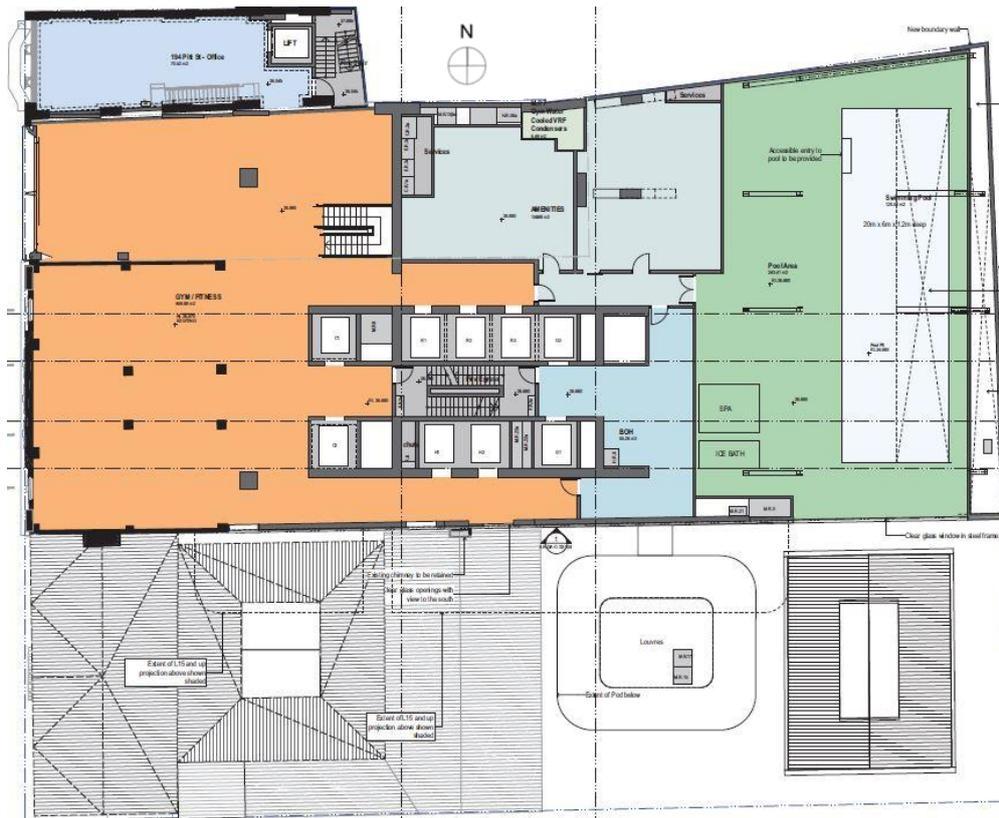


Figure 39: Level 4 plan

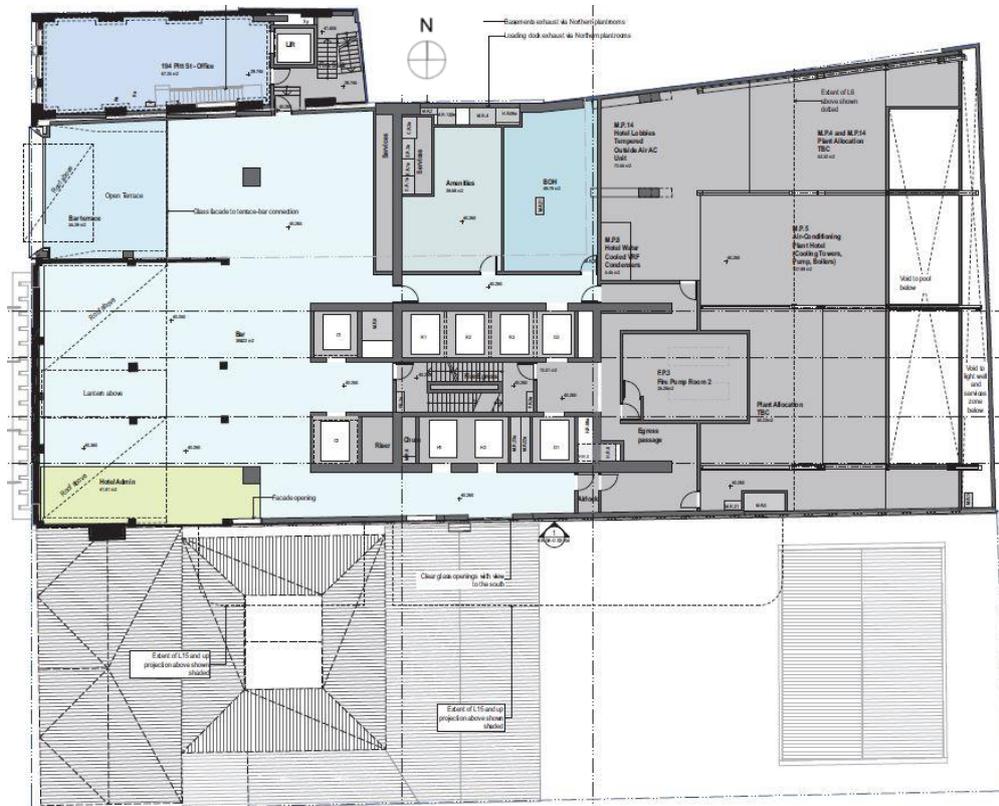


Figure 40: Level 5 plan



Figure 41: Level 6 plan (first hotel level)



Figure 42: Typical hotel floor plan (level 10 shown)

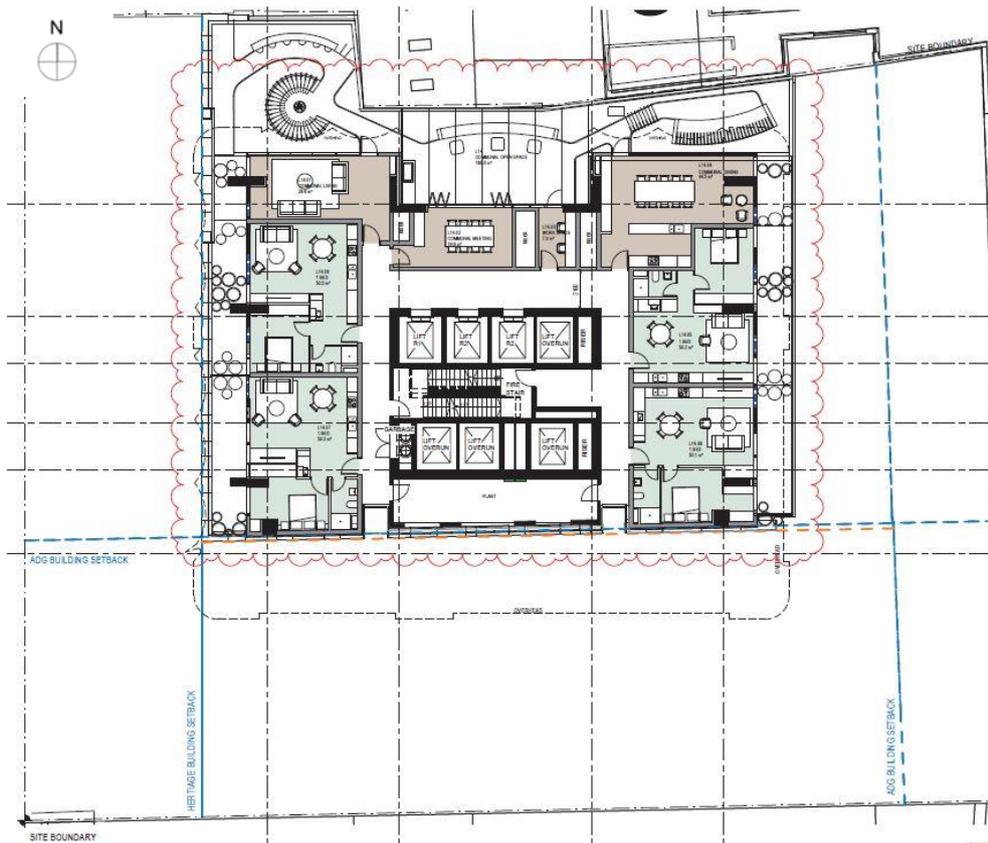


Figure 43: Level 14 plan (first residential level)



Figure 44: Typical low-rise tower floor plan (level 21-22 shown)



Figure 45: Typical mid-rise tower floor plan (level 28 shown)



Figure 46: Typical high-rise tower floor plan (level 39-42 shown)

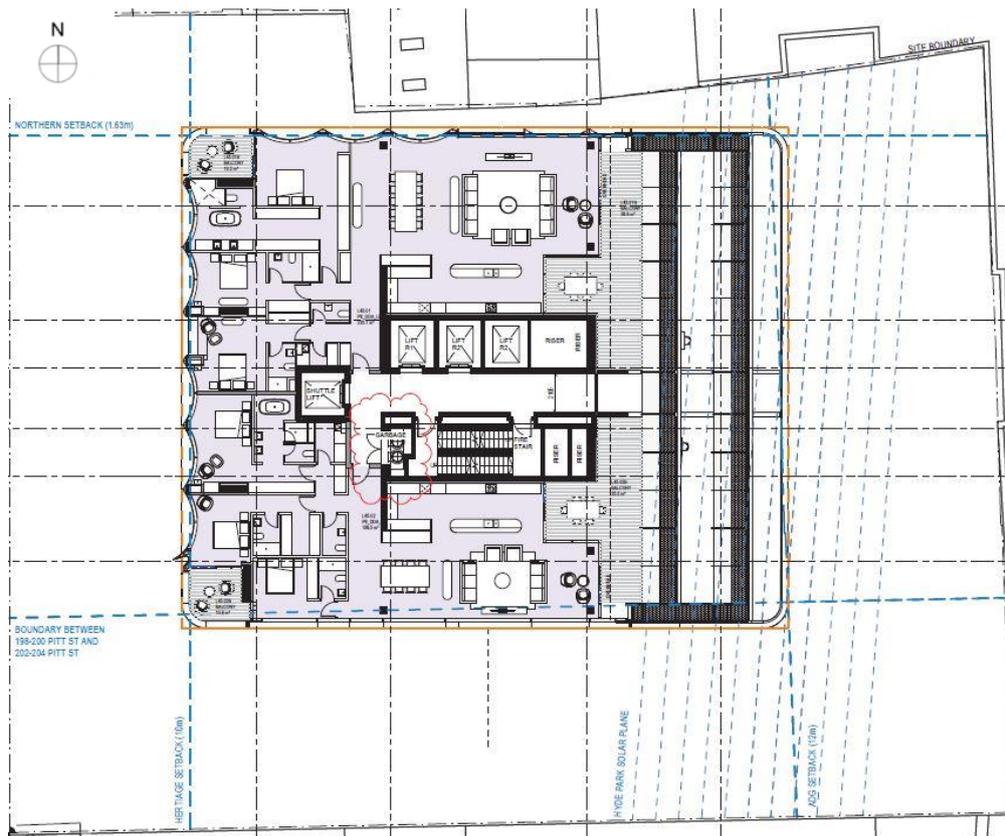


Figure 47: Typical penthouse floor plan (level 45 shown)

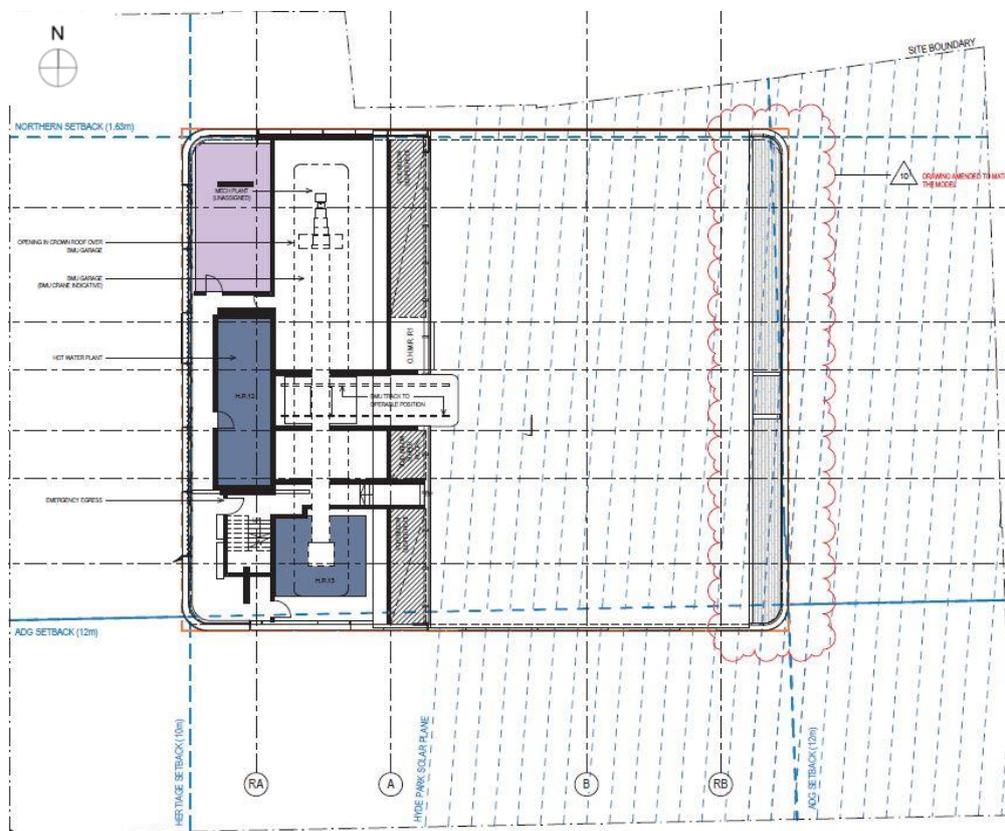


Figure 48: Typical rooftop plant plan (level 48 shown, including BMU garage)

(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."

68. The Director City Planning Development and Transport is the delegate of the Planning Committee and formed the view that the project may have impacts on traffic in the Sydney Central Business District and required consultation with the CSTTC.
69. Transport for New South Wales, as the delegate of the CSTTC, was consulted.
70. Submissions received by the City from Transport for New South Wales have been considered in the assessment of the application and the recommended conditions included in Attachment A.

Sydney Water Act 1994

71. Section 78 of the Sydney Water Act, 1994 sets out various requirements for the determination of development applications which would:
 - (a) Increase the demand for water supplied by the Corporation; or
 - (b) Increase the amount of waste water that is to be removed by the Corporation; or
 - (c) Damage or interfere with the Corporation's works; or
 - (d) Adversely affect the Corporation's operation.
72. Subclauses (2) and (4) of Section 78 of the Sydney Water Act, 1994 allow for a consent authority to approve an application at any time, subject to a condition requiring that a developer obtain a compliance certificate from the Sydney Water Corporation.
73. Several conditions have been recommended in Attachment A requiring various Sydney Water approvals and certification, including a condition requiring that the developer obtain a Section 73 Compliance Certificate from the Sydney Water Corporation.

Assessment

74. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

State Environmental Planning Policies

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

75. 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.
76. A detailed site investigation report, prepared in accordance with SEPP 55 and the SEPP 55 Guidelines, has been submitted with the application. The report has been reviewed by City staff during the assessment of the proposal.
77. The City's Health and Building Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed mix of land uses, in accordance with Clause 7 of SEPP 55 and the SEPP 55 Guidelines. The recommended conditions are included in Attachment A.

State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64)

78. The aim of SEPP 64 is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
79. The application includes a signage strategy for the proposed development which includes the following signage zones:
 - (a) The fascia awning of the heritage item at 198 Pitt Street;
 - (b) The ground floor facade fronting Pitt Street; and
 - (c) The western facade at the top of the tower.
80. The application states that the proposed signage zones will be provided with effective, coordinated and high quality business identification signage, which will be associated with the mix of land uses proposed within the development, and which will be compatible with the visual character and desired visual amenity in and around the site within the context of the Sydney Central Business District.
81. While the intent of the strategy is generally supported, the submitted strategy does not include sufficient detail on the proposed signage zones or provide a materials and finishes palette consistent with the relevant provisions of Section 3.16 of the Sydney Development Control Plan 2012.
82. This is of particular relevance to the signage zones proposed at the ground floor level with regard to their relationship with the detail of the proposed shopfronts and street awnings to Pitt Street and the heritage significant building facades to be retained at 194, 198-200 and 202-204 Pitt Street. Refer to the further assessment provided below under the Discussion heading.
83. The City's Heritage Specialist has therefore recommended a condition (which has been included in Attachment A) to require the signage strategy and signage zones to be updated accordingly and submitted to the City for approval, in conjunction with a condition requiring resolution of the final design details of the ground level shopfronts and street awnings.

84. Subject to this condition, and the other signage related conditions recommended in Attachment A, the proposed signage zones and strategy are generally consistent with the objectives set out in Clause 3(1)(a) and the assessment criteria specified in Schedule 1 of SEPP 64, as detailed in the table sections provided below.

Provision	Compliance	Comment
1. Character of the area	Yes, subject to conditions	The proposed signage zones are generally capable of providing for future signage which will be consistent with the character of the area, subject to the signage related conditions recommended in Attachment A.
2. Special areas	Yes, subject to conditions	The proposed signage zones will not result in future signage which detracts from the amenity or visual quality of the locality or the Sydney Central Business District, subject to the signage related conditions recommended in Attachment A.
3. Views and vistas	Yes	<p>The proposed signage zones are capable of providing future signage which does not obscure or compromise any important views.</p> <p>The signage zones will not result in future signage which will either dominate the skyline or have significant impacts on the viewing rights of other advertisers.</p>
4. Streetscape, setting or landscape	Yes, subject to conditions	The proposed signage zones provide for future signage which will be of an appropriate scale, proportion and form, and which will provide a positive contribution to the streetscape and setting of the area, subject to the signage related conditions recommended in Attachment A.
5. Site and building	Yes, subject to conditions	The scale, proportion and positioning of the proposed signage zones is generally acceptable, and will provide for future signage which has a materiality compatible with the heritage significance of the building, subject to the signage related conditions recommended in Attachment A

Provision	Compliance	Comment
6. Associated devices and logos	Not applicable	The proposed development does not seek consent for the detailed design of any signage, including any devices or logos.
7. Illumination	Not applicable	The proposed development does not seek consent for the detailed design of any signage, including any illumination.
8. Safety	Yes	The proposed signage zones will not provide for signage which will significantly reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

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

85. The aim of SEPP 65 is to improve the design quality of residential apartment development in New South Wales.
86. SEPP 65 provides that in determining an application for a residential flat building development of 3 or more floors and containing 4 or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles.
87. A design verification statement prepared by Phillip Rossington (Registration Number 7151) and Matthew Blair (Registration Number 7053) of BVN Architecture Pty Limited, who are both registered as architects under the Architects Act, 2003, accompanies the application.
88. The statement and the accompanying SEPP 65 design report address the design quality principles and the objectives of the Apartment Design Guide (ADG). The statement satisfies Clause 50(1A) of the Environmental Planning and Assessment Regulation, 2000.
89. The 9 design quality principles under Schedule 1 of SEPP 65 and the relevant objectives of the ADG are discussed below.
- (a) **Principle 1: Context and Neighbourhood Character**
- (i) The site is centrally located in the Sydney Central Business District, amongst buildings of similar height and scale and in proximity to existing and planned public transport infrastructure, including multiple bus routes, bicycle lanes and light, heavy and metro rail stations.
- (ii) The proposal will provide a mix of land uses and will retain and conserve the heritage significance of the historic buildings existing on the site, which will make an important contribution to the vitality of the locality and the broader City of Sydney Local Government Area.

- (iii) The site is located in the B8 Metropolitan Centre zone and the proposal is generally in accordance with the objectives of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012, subject to the recommended conditions. The proposal is also consistent with the existing and desired future character of the locality.
- (b) **Principle 2: Built Form and Scale**
- (i) The immediate locality along Pitt Street and Market Street has a diverse range of built form and scale, architectural building styles and land uses. The form and scale of development anticipated in the area is consistent with the height and typology of the proposal.
 - (ii) The proposed development adheres to the provisions of the Sydney LEP 2012, including the maximum height prescribed by the Hyde Park West sun access plane, and is generally consistent with the approved concept building envelope, subject to the approval of the concurrent Section 4.55(2) modification application D/2018/1246/A
 - (iii) The proposal responds satisfactorily to the surrounding dense urban context, while achieving a suitable form and scale, subject to the recommended conditions in Attachment A.
 - (iv) The proposal also maintains the existing street wall height of the heritage item facades on the site and is therefore consistent with the existing built form and scale of the streetscape to Pitt Street.
- (c) **Principle 3: Density**
- (i) The proposal is compliant with the maximum floor space ratio control for the site contained in the Sydney Local Environmental Plan 2012.
 - (ii) The proposed overall density of development is consistent with that envisaged for the Sydney Central Business District locality under the relevant planning controls and is appropriate given the dense urban context of the site.
 - (iii) The new building accommodates 241 apartments, which is an appropriate level of residential density for the site, given its proximity to established and forthcoming infrastructure, public transport, and community and recreation facilities.
 - (iv) The proposed density of the new buildings does not result in unacceptable levels of amenity impact for neighbouring properties or future residents of the development.
- (d) **Principle 4: Sustainability**
- (i) The proposed development maximises cross ventilation and solar access penetration into residential apartments to reduce artificial lighting, heating and cooling, reducing future energy consumption.

- (ii) The proposal will achieve a 6.5 star NatHERS rating, and meets or exceeds the requirements of BASIX in terms of energy (35) and water (45) score targets, provides for a 45 kWp rooftop photovoltaic system and a 4.5 star NABERS hotel energy rating, in accordance with the requirements of the concept development consent.
 - (iii) The proposal also incorporates passive shading devices to reduce heat gain and improve the energy performance, amenity, and longevity of the development. Acoustically treated natural ventilation plenums are also provided which will reduce demand for air conditioning related energy use.
 - (iv) Conditions are recommended in Attachment A to ensure that the development complies with the commitments contained in the ESD documentation submitted with the application and that the plenum systems are tested to ensure the future success of the design.
- (e) **Principle 5: Landscape**
- (i) The existing building footprint is constructed to the site boundaries, and the approved building envelope occupies the whole of the site area. Accordingly, there is no at grade landscaped area. This is acceptable in the context of the Sydney Central Business District.
 - (ii) The proposal incorporates a vertical landscape planting treatment to the west facade of the hotel podium and within the communal open space area at level 14.
 - (iii) Additional details are required to ensure that the proposed landscape component of the scheme is a success. Information is to be submitted relating to detailed landscape and facade planting conditions which are recommended in Attachment A.
- (f) **Principle 6: Amenity**
- (i) The proposed development, by adopting design measures that are generally responsive to the constraints and sensitivities of adjacent and nearby residential and commercial properties, provides a reasonable level of amenity for the residential occupants of the development and neighbouring properties.
 - (ii) It achieves the following in relation to the requirements of the ADG:
 - i. Minimum apartment size requirements;
 - ii. Direct solar access to 70% (170 of 241) of the proposed apartments living areas and private open space;
 - iii. No direct sunlight to 15.7% (38 of 241) of the proposed apartments at mid winter;
 - iv. All apartments are cross ventilated, as the proposed balconies have been designed in accordance with the provisions in Section 4.2.3.13 of the Sydney DCP 2012, allow adequate natural ventilation and cannot be fully enclosed;

- v. Minimum 2.7 metre floor to ceiling heights to improve solar access and ventilation of apartments;
 - vi. Adequate private open space and communal spaces;
 - vii. Adequate storage facilities within each apartment and the basement; and
 - viii. Adequate building separation and privacy measures.
- (iii) Further detailed analysis of compliance with the relevant amenity controls in the ADG are detailed in the table provided below.
- (g) **Principle 7: Safety**
- (i) The safety and security of the public domain and the site itself is enhanced by increased activity within the site and casual surveillance of the surrounding streets from the development.
 - (ii) When the building, or designated components of the building, will be used as a residential flat building, there is a secure entrance from Pitt Street available for the use of permanent residents, which is clearly defined and visible at ground level. Separate entrances are provided for the registered club, hotel accommodation and retail premises.
 - (iii) The proposed development has generally been designed in accordance with the relevant principles of Crime Prevention through Environmental Design (CPTED).
- (h) **Principle 8: Housing Diversity and Social Interaction**
- (i) The proposed development provides an acceptable mix of residential apartment types to encourage housing diversity, including adaptable apartments and accessible communal facilities for both passive and active recreation.
 - (ii) A range of internal and external communal facilities for the exclusive use of residents are proposed at level 14 and level 15 to encourage social interaction.
 - (iii) The proposed development responds well to the social context of its location in the Sydney Central Business District, which is in close proximity to established infrastructure, public transport, community and recreational facilities.
 - (iv) The proposal provides the following mix of dwellings:
 - i. Studio: 6% (14 apartments);
 - ii. One bedroom: 23% (55 apartments);
 - iii. Two bedroom: 62% (150 apartments); and
 - iv. Three+ bedroom: 9% (22 apartments).

- (v) This apartment mix is acceptable with regard to the relevant objectives and provisions in Section 4.2.3.12 of the Sydney DCP 2012.
 - (vi) The proposal also includes 15% (37) adaptable apartments and 20% (49) apartments which achieve the Liveable and Adaptable Housing Guidelines silver level, and are distributed evenly amongst all tower levels, positions and apartment types.
- (i) **Principle 9: Aesthetics**
- (i) The proposed development provides for a contemporary, well-modulated and articulated mixed use development, which is compatible with the existing and desired future character within the area.
 - (ii) The detailed design of the development was the result of a competitive design process, which was awarded as the winning scheme.
 - (iii) The proposed development introduces a variety of building elements, materials and finishes, which interpret the proportions, motifs and forms of the retained heritage buildings, and presents a visually engaging architectural language to the public domain to Pitt Street.
 - (iv) The proposed built form, expression and composition of the new building will make a positive contribution to the visual quality of the area.
90. The development is considered generally acceptable when assessed against SEPP 65, including the above stated principles and the ADG. These controls are generally replicated within the apartment design controls under the Sydney DCP 2012.
91. Consequently, compliance with SEPP 65 generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided in the table sections provided below.

2E Building Depth	Compliance	Comment
12-18 metres (glass to glass)	Acceptable Generally consistent with the concept building envelope	<p>The building depth is generally consistent with concept building envelope, as proposed to be modified by the concurrent modification application D/2018/1246/A.</p> <p>The proposed residential tower will have maximum east-west dimension of approximately 33.6 metres and a maximum north-south dimension of approximately 28 metres.</p> <p>While this exceeds the maximum 18 metre requirement, the depth of individual apartments generally achieves compliance however, with the design of the development ensuring that adequate light and ventilation is achieved for each dwelling.</p>

2F Building Separation	Compliance	Comment
Up to four storeys (approximately 12 metres) Five to eight storeys (approximately 25 metres)	Not applicable	No residential uses are proposed to the first 14 storeys of the existing heritage buildings and hotel podium.
Nine storeys and above (over 25 metres): <ul style="list-style-type: none"> • 24 metres between habitable rooms / balconies • 18 metres between habitable and non-habitable rooms • 12 metres between non-habitable rooms 	Acceptable Generally consistent with the concept building envelope	The proposal does not achieve the minimum ADG separation requirements but does provide an appropriate response to the context of the locality, an acceptable built form and urban design outcome. The proposed development has been generally designed in accordance with the concept building envelope, as proposed to be modified by the concurrent modification application D/2018/1246/A. Refer to the assessment provided below under the Discussion heading.

3A Site Analysis	Compliance	Comment
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Yes	Sufficient site analysis documentation accompanies the application addressing the various potential opportunities and constraints of the site. Extensive detail has been provided documenting the site location and context, including surrounding development.

3B Orientation	Compliance	Comment
Overshadowing of neighbouring properties is minimised during midwinter	Yes	Sun's eye view diagrams and documentary analysis has been submitted with the application.

3B Orientation	Compliance	Comment
		<p>This information has been prepared in accordance with the City's draft 'Minimising overshadowing of neighbouring apartments documentation guide'.</p> <p>These clearly indicate that the proposed building and its orientation will minimise overshadowing to neighbouring commercial and residential properties.</p>

3C Public Domain Interface	Compliance	Comment
Transition between private and public domain is achieved without compromising safety and security	Yes	The proposed development incorporates a secure residential entry lobby to the Pitt Street frontage of the site, served by a residential reception desk, adjacent to the residential lift core.
Amenity of the public domain is retained and enhanced	Yes, subject to conditions	The proposed interface between the development and the public domain along Pitt Street is generally acceptable, subject to the range of public domain, street tree protection and transport related conditions recommended in Attachment A.

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Acceptable	<p>584 square metres of communal open space is required. The proposal does not meet this minimum requirement, with 7.2% (168.8 square metres) of the site area provided as usable external communal open space at level 14.</p> <p>The design guidance under Objective 3D-1 provides that, where developments are unable to achieve the design criteria, such as for sites in business zones or in dense urban areas, they should:</p>

3D Communal and Public Open Space	Compliance	Comment
		<ul style="list-style-type: none"> • Provide communal spaces such as a landscaped roof top terrace or a common room; • Provide larger balconies or increased private open space for apartments; and • Demonstrate good proximity to public open space and facilities and/or provide contributions to public open space. <p>The proposal provides:</p> <ul style="list-style-type: none"> • The communal outdoor area as a landscaped roof top terrace with a northerly aspect, acceptable direct solar access and designed with three separated breakout areas and wind mitigation measures; • All communal spaces with direct, equitable access from all residential entry, lifts and lobbies; • 5.3% (125.4 square metres) of additional internal area is provided in the form of internal common rooms, for a total of 12.6% (294.2 square metres) of common space; • The proposed internal communal space includes lounge, meeting, and dining rooms and four workspaces, all with northerly aspects, window and door openings and direct access to natural daylight, ventilation and the external common open space; • Most apartments meet or exceed minimum ADG requirements for private open space; • Subject to a condition in Attachment A, the level 14 communal meeting room will be designed to accommodate and be made available for music practice;

3D Communal and Public Open Space	Compliance	Comment
		<ul style="list-style-type: none"> • The site is near significant public open space and facilities including Hyde Park, Cook and Phillip Park Pool, the Domain, Botanic Gardens and Tumbalong Park; • Residents will have access to the hotel's gym facilities (1,098.84 square metres) and pool (363.41 square metres), shared with hotel guests and Club members; • Residents will also have access to amenities in the building including club and hotel restaurants, function rooms and meeting spaces; and • These are not for the exclusive use of residents, however are significant facilities in terms of size and quality and will potentially contribute to residential wellbeing and amenity. <p>On balance, the proposal is acceptable with regard to communal space considerations.</p>
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).</p>	<p>Yes</p>	<p>The sun's eye view diagrams submitted with the application indicate that more than 50% of the principal usable part of the communal open space at level 14 receives at least two hours of direct sunlight at midwinter.</p> <p>The common internal rooms at levels 14 and 15 also receive at least two hours of direct sunlight to their north-facing window and door openings at midwinter.</p>

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6 metres</p>	<p>Acceptable</p>	<p>The provision of deep soil zones is constrained as the building footprint of the existing, approved concept and proposed detailed design occupies the whole site.</p> <p>The design guidance in the ADG states that achieving deep soil zones may not be possible on some sites including where:</p> <ul style="list-style-type: none"> • The location and building typology have limited or no space for deep soil at ground level (e.g. central business districts, constrained sites, high density areas); and • There is 100% site coverage or the development comprises non-residential uses at ground level. <p>The site is located in the Sydney Central Business District which is a highly urbanised environment, where a lack of deep soil zones is a consistent characteristic of development.</p> <p>The proposal provides landscape facade elements and an external communal area with a range of appropriate plantings. It also incorporates appropriate stormwater management initiatives to offset the lack of deep soil zones within the site.</p>

3F Visual Privacy	Compliance	Comment
<p>Up to four storeys (approximately 12 metres)</p> <p>Five to eight storeys (approximately 25 metres)</p>	<p>Not applicable</p>	<p>No residential uses are proposed to the first 14 storeys of the existing heritage buildings and hotel podium.</p>
<p>Nine storeys and above (over 25 metres):</p>	<p>Acceptable</p>	<p>The proposal does not achieve the minimum ADG separation requirements but does provide generally acceptable visual privacy outcomes.</p>

3F Visual Privacy	Compliance	Comment
<ul style="list-style-type: none"> • 12 metres between habitable rooms / balconies • 6 metres between non-habitable rooms 	Generally consistent with the concept building envelope	<p>The proposed development has been generally designed in accordance with the concept building envelope, as proposed to be modified by the concurrent modification application D/2018/1246/A.</p> <p>Refer to the assessment provided below under the Discussion heading.</p>
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	Apartment layouts are designed to generally locate sensitive rooms and spaces away from internal communal corridors and spaces.

3G Pedestrian Access and Entries	Compliance	Comment
Building entries and pedestrian access connects to and addresses the public domain.	Yes	The residential lift core is provided with an entry lobby with direct access from the Pitt Street frontage of the site.
Access, entries and pathways are accessible and easy to identify.		<p>A comparative analysis of similar CBD residential lobbies at 148-146 King Street, 38 York Street, and 478 George Street has accompanied the application.</p> <p>The analysis demonstrates that residential lobbies can be designed successfully, notwithstanding site constraints posed by the retained heritage fabric.</p> <p>It also shows that the proposed lobby will be legible, with a ceiling height of up to 5 metres, while responding to the existing fine grain detail of the Pitt Street frontage of the site.</p> <p>As such, the residential entry is sufficiently legible and accessible.</p>

3H Vehicle Access	Compliance	Comment
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Yes, subject to conditions	<p>Service vehicle access is proposed from the Pitt Street frontage. The entry point design is acceptable as it:</p> <ul style="list-style-type: none"> • Is behind the building line and integrates with the adjacent heritage buildings in terms of materiality; • Provides an internal truck hoist and turntable, rather than ramping; and • Will be subject to a range of public domain and transport related conditions recommended in Attachment A to ensure pedestrian safety and priority is maintained.

3J Bicycle Parking	Compliance	Comment
Parking and facilities are provided for other modes of transport	Yes	The proposed development incorporates the provision of end of journey facilities and a combined total of 343 bicycle parking spaces.

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	A total of 70% (170 of 241) of apartments receive 2 hours or more of direct sunlight to living rooms and private open space at midwinter.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Acceptable	A total of 38 of 241 (15.7%) apartments receive no direct sunlight at midwinter.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms throughout the development are naturally ventilated. Plenum systems, as indicated in the ventilation drawings in Attachment D, are also provided throughout the development to ensure that natural ventilation can be maintained to habitable rooms, alongside internal acoustic amenity.
Minimum 60% of apartments in the first nine storeys of the building are naturally cross ventilated.	Not applicable	No residential apartments are proposed in the first nine storeys of the building.
Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Yes	All residential apartments within the proposed development are considered to be naturally cross ventilated, as all balconies: <ul style="list-style-type: none"> • Have been designed in accordance with the provisions in Section 4.2.3.13 of the Sydney DCP 2012; • Allow adequate natural ventilation; and • Cannot be fully enclosed.
Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.	Not applicable	No cross over or cross through apartments are proposed.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7 metres	Yes	Floor to floor heights of at least 3.1 metres are provided which achieve 2.7 metre floor to ceiling heights.
Non-habitable rooms: 2.4 metres	Yes	Floor to floor heights of at least 3.1 metres are provided which can achieve 2.4 metre floor to ceiling heights.

4C Ceiling Heights	Compliance	Comment
Two-storey apartments: 2.7 metres for main living area floor, 2.4 metres for second floor, where it does not exceed 50% of the apartment area.	Yes	All apartments, including two storey apartments, are provided with floor to floor heights of 3.1 metres, which can achieve 2.7 metre floor to ceiling heights.
If located in mixed use areas – 3.3 metres for ground and first floor to promote future flexibility of use.	Not applicable	No residential uses are proposed at the ground or first floor.

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35 square metres • 1 bedroom: 50 square metres • 2 bed: 70 square metres • 3 bed: 90 square metres <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5 square metres each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 square metres each.</p>	Acceptable	<p>All bar one apartment achieve the design criteria for minimum apartment size, ranging in size as follows:</p> <ul style="list-style-type: none"> • Studio: 41.9 square metres; • 1 bedroom: 50 to 51.9 square metres; • 2 bedroom: 74.6 to 84.9 square metres; • 3 bedroom: 99.6 to 251.8 square metres; and • 4 bedroom: 325 square metres <p>A single 2 bedroom apartment with 2 bathrooms at level 15 is 74.6 square metres in size. This non-compliance is acceptable on balance, given the very minor variation of the control.</p>
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms throughout the development are naturally ventilated.

4D Apartment Size and Layout	Compliance	Comment
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	<p>No habitable rooms exceed a depth to ceiling height ratio of 2.5, except for open plan layouts.</p> <p>Open plan apartments generally have a depth to ceiling height ratio of 3 in accordance with 4D.3 of the ADG.</p>
8 metre maximum depth for open plan layouts.	Acceptable	<p>The clear majority of apartments have a maximum depth of 8 metres, with the exception of a number of 3 bedroom apartments on the eastern side of the tower at levels 38 to 42 inclusive, where the open plan layouts have a depth of approximately 8.3 metres.</p> <p>This non-compliance is acceptable on balance, given the very minor variation of the control and that these are corner apartments which have dual aspects through bedrooms adjoining the living spaces.</p>
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • Master bedroom: 10 square metres • All other bedrooms: 9 square metres <p>Minimum dimension of any bedroom is 3 metres (excluding wardrobes).</p>	Yes	All apartments achieve the minimum areas and dimensions prescribed for bedrooms.
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6 metres • Two-bedroom or more: 4 metres 	Yes	The development results in all dwellings having a living area with a minimum width consistent with the provisions of the ADG.
4 metres minimum width for cross over and cross through apartments.	Not applicable	No cross over or cross through apartments are proposed.

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4 square metres with a minimum depth of 1 metre.</p> <p>One bed apartments are to have a minimum balcony area of 8 square metres with a minimum depth of 2 metres.</p> <p>Two bed apartments are to have a minimum balcony area of 10 square metres with a minimum depth of 2 metres.</p> <p>Three bed apartments are to have a minimum balcony area of 12 square metres with a minimum depth of 2.4 metres.</p>	Acceptable	<p>All proposed apartment balconies meet the minimum size and dimension requirements specified for the number of bedrooms per apartment, with the exception of:</p> <ul style="list-style-type: none"> • A column of 1 bedroom apartments at levels 15 to 37 on the eastern side of the tower, which have a balcony area of 7.1 square metres; and • Two 3 bedroom apartments at levels 43 and 44 at the south-western corner of the tower, which have a balcony area of 10.9 square metres. <p>This non-compliance is acceptable on balance.</p> <p>This is due to the very minor numerical variation of the controls and that the balconies are designed as usable outdoor areas adjacent to internal living areas, in addition to being protected from wind effects in accordance with Section 4.2.3.13 of the Sydney DCP 2012</p>

4F Common Circulation and Spaces	Compliance	Comment
<p>The maximum number of apartments off a circulation core on a single level is eight.</p>	Acceptable	<p>Each residential level is served by a single circulation core, with the maximum number of residential apartments served by the core being nine.</p> <p>The variation of the criterion is supported in the specific circumstances of the site and proposed development given:</p>

4F Common Circulation and Spaces	Compliance	Comment
		<ul style="list-style-type: none"> • The configuration only occurs on a limited number of floors (seven), between levels 16 and 22; • The circulation area on each level is relatively short and comprises a separated corridor space; • All residential circulation is proposed to have access to natural light from the south elevation, or from the east at the upper most tower levels; • The design guidance under Objective 4F-1 is achieved in that: <ul style="list-style-type: none"> - less than twelve apartments off a circulation core is proposed; - a high level of amenity for common lobbies, corridors and apartments is demonstrated, subject to conditions; - acceptable sunlight and natural cross ventilation is provided to apartments in accordance with Parts 4A and 4B of the ADG; - access to daylight and natural ventilation (subject to condition) in common circulation spaces; and - common areas are provided for seating and gathering at level 14.
<p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Acceptable</p>	<p>Each residential level, except for the penthouses at level 46, are served by three lifts.</p> <p>A lift service report has been submitted with the application which demonstrates that all 241 apartments can be safely serviced by the proposed lift arrangement.</p>

4F Common Circulation and Spaces	Compliance	Comment
<p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.</p> <p>Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.</p>	Yes	No living room or bedroom windows open directly onto circulation spaces.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes, subject to conditions	<p>Daylight is provided to all common circulation spaces, however the window openings to the south elevation of the circulation spaces at each level of the tower appear to be fixed and incapable of provision for natural ventilation.</p> <p>A condition is recommended to require the provision of small operable openings to allow for natural ventilation to all common circulation spaces.</p>

4G Storage	Compliance	Comment
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • Studio: 4 cubic metres • 1 bed: 6 cubic metres • 2 bed: 8 cubic metres • 3 bed: 10 cubic metres <p>(Minimum 50% storage area located within apartments)</p>	Yes, subject to conditions	<p>A storage schedule and storage diagrams accompany the application.</p> <p>The schedule and diagrams detail provision of storage within apartments and the basement level which accords with Part 4G of the ADG, however these were not updated to reflect the amended application made on 19 August 2021.</p> <p>A condition is recommended in Attachment A to require the submission of updated storage plan diagrams demonstrating compliance with the criterion.</p>

4H Acoustic Privacy	Compliance	Comment
<p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<p>Yes, subject to conditions</p>	<p>The design groups similar uses and services together to ensure the acoustic privacy of the dwellings are maintained. This includes various facade treatments and acoustic plenums.</p> <p>The application has also been accompanied by an acoustic report which states that the proposal will achieve acceptable residential amenity within each dwelling.</p> <p>The proposed plenum systems, as indicated in the facade type drawings in Attachment D, are also provided throughout the development to ensure that natural ventilation can be maintained to habitable rooms, alongside internal acoustic amenity.</p> <p>The application is considered acceptable subject to conditions requiring the adoption of the recommendations contained in the assessment for appropriate acoustic mitigation.</p> <p>Additional conditions are recommended to require further acoustic attenuation measures where apartments are proposed in proximity to waste disposal chutes.</p>

4J Noise and Pollution	Compliance	Comment
<p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	<p>Yes, subject to conditions</p>	<p>The proposal seeks to minimise the impact of noise in accordance with the ADG requirements.</p> <p>It includes the use of natural ventilation plenum systems and facade design to mitigate impacts and act as a buffer between external noise sources and the sensitive residential uses within the building</p>

4J Noise and Pollution	Compliance	Comment
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Yes, subject to conditions	<p>The acoustic report submitted with the application provides recommendations requiring thick glazing to mitigate noise transmission.</p> <p>A condition is recommended to require these measures to be incorporated into the design.</p>

4K Apartment Mix	Compliance	Comment
A range of apartment types and sizes is provided to cater for different household types now and into the future	Yes	The proposed development includes a range of apartment types and sizes distributed to different locations with the development.
The apartment mix is distributed to suitable locations within the building		The proposed apartment mix is acceptable with regard to the flexible housing and dwelling mix objectives and controls in Section 4.2.3.12 of the Sydney DCP 2012.

4M Facades	Compliance	Comment
Building facades provide visual interest along the street while respecting the character of the local area	Yes	<p>The proposed building facades, with curved vertical facade elements and deep horizontal articulation, will provide visual interest to Pitt Street.</p> <p>The proposed materiality of the development responds to the existing heritage buildings on the site and the character of the surrounding locality.</p>
Building functions are expressed by the facade	Yes	The proposed facade design demonstrates a clear visual expression of the three main land uses, with the heritage buildings containing club uses, the podium above containing a hotel use and the tower above containing residential uses.

4N Roof Design	Compliance	Comment
Roof treatments are integrated into the building design and positively respond to the street	Yes	The proposed design of the roof of the tower is integrated with the design of the facade articulation below.
Opportunities to use roof space for residential accommodation and open space are maximised		The roof over the hotel podium at level 14 is proposed as landscaped communal open space and the skillion roof of the tower includes five residential levels, with private open space terraces.
Roof design incorporates sustainability features		A 45 kWp rooftop solar photovoltaic array is proposed.

4O Landscape Design	Compliance	Comment
Landscape design is viable and sustainable	Yes, subject to condition	A landscape strategy and detailed landscape design have been submitted with the application.
Landscape design contributes to the streetscape and amenity		These have been reviewed by the City's Landscape Assessment Officer, who has advised they are generally acceptable, subject to conditions included in Attachment A requiring further design details to ensure that the proposed landscape component of the scheme is a success.

4P Planting on Structures	Compliance	Comment
Appropriate soil profiles are provided	Yes, subject to condition	The proposal incorporates a vertical landscape planting treatment to the west facade of the hotel podium.
Plant growth is optimised with appropriate selection and maintenance		Additional details are required to ensure that the proposed facade planting component of the scheme is a success. Information is to be submitted relating to the detailed facade planting condition which is recommended in Attachment A.
Planting on structures contributes to the quality and amenity of communal and public open spaces		

4Q Universal Design	Compliance	Comment
Universal design features are included in apartment design to promote flexible housing for all community members	Yes, subject to condition	The proposal provides 15% (37 of 241) of apartments as adaptable dwellings, which include a range of one, two and three bedroom apartments and provides 20% (49 of 241) of apartments as silver level liveable dwellings. Conditions are recommended in Attachment A to ensure that the proposal provides appropriate access and facilities for persons with disabilities, in accordance with the Sydney DCP 2012 and the Building Code of Australia
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		

4R Adaptive Reuse	Compliance	Comment
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Yes, subject to conditions	The proposal involves the adaptive reuse of portions of the heritage buildings on the site to allow the residential tower to be constructed and accessed. The adaptation is acceptable, subject to the extensive range of heritage related conditions recommended by the City's Heritage Specialist in Attachment A.
Adapted buildings provide residential amenity while not precluding future adaptive reuse		

4S Mixed Use	Compliance	Comment
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Yes	The proposal is located in the Sydney Central Business District, within a locality with active street frontages and pedestrian priority. The new residential component of the development is well integrated within the design, ensuring appropriate separation to the club, retail, office and hotel uses proposed on the site.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		

4T Awnings and Signage	Compliance	Comment
Awnings are well located and complement and integrate with the building design	Yes, subject to conditions	New street awnings and signage zones are proposed. Conditions are recommended to ensure that the final design details of awnings and signage zones achieve appropriate heritage outcomes. Refer to the assessment provided below under the Discussion heading.
Signage responds to the context and desired streetscape character		

4U Energy Efficiency	Compliance	Comment
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Yes, subject to conditions	Adequate access to natural light and ventilation is provided to all apartments. The design incorporates horizontal shading devices and low-e coated facade glazing. Acoustic plenums are proposed to allow natural ventilation when external noise conditions preclude the opening of windows. A condition is recommended in Attachment A to require testing of the plenum design to ensure its success.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		

4V Water Management and Conservation	Compliance	Comment
Potable water use is minimised	Yes, subject to conditions	The proposed development exceeds minimum BASIX requirements for water efficiency. Appropriate conditions relating to BASIX compliance, stormwater drainage, stormwater quality and flooding are recommended by the City's Public Domain Unit in Attachment A.
Urban stormwater is treated on site before being discharged to receiving waters		
Flood management systems are integrated into site design		

4W Waste Management	Compliance	Comment
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Yes, subject to conditions	Adequate waste management facilities are provided within the basement of the proposed development, with waste chutes available at each level.
Domestic waste is minimised by providing safe and convenient source separation and recycling		A range of waste management conditions are recommended in Attachment A to ensure waste is managed on the site in accordance with Sections 3.14 and 4.2.6 of the Sydney DCP 2012 and the City of Sydney Guidelines for Waste Management in New Developments 2018. These include a requirement for detailed contingency planning in the case of truck hoist or chute failure.

4X Building maintenance	Compliance	Comment
Building design detail provides protection from weathering	Yes	Movement joints and drip lines are integrated into the design of the tower facade.
Systems and access enable ease of maintenance	Yes	A Building Maintenance Unit (BMU) is proposed within the tower roof which allows for safe access to the building facades. A BMU access strategy has been submitted with the application to demonstrate that the relevant ADG design criteria have been met. Safe access is provided to all roof and plant areas within the development.
Material selection reduces ongoing maintenance	Yes, subject to condition	The proposed materials within the development are generally robust. The City's standard materials and finishes condition is recommended in Attachment A to ensure the design intent is carried through to the certification and construction phases of the development.

**State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)
(SEPP 70)**

92. SEPP 70 relates to Section 7.32 of the Environmental Planning and Assessment Act, 1979. It states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
93. Clause 7.13 of the Sydney LEP 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Central Sydney.
94. This matter is discussed in further detail under the heading Financial Contributions below.

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

95. A BASIX Certificate has been submitted with the development application.
96. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal.
97. Conditions are recommended in Attachment A to ensure that the measures detailed in the BASIX certificate are implemented.

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

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

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**Clause 45 Determination of development applications – other development**

99. The application is subject to Clause 45 of the Infrastructure SEPP as the development in the vicinity of electricity power lines and may affect an electricity transmission or distribution network.
100. In accordance with Clause 45 of the Infrastructure SEPP, the original and amended application were referred to Ausgrid
101. Ausgrid provided a response, raising no objections to the proposed development subject to a condition, which has been included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**Clause 85 and 86 – Development adjacent to rail corridors and Excavation in, above, below or adjacent to rail corridors**

102. The application is subject to Clause 85 and 86 of the Infrastructure SEPP, as the site is located above the subterranean Sydney Metro rail corridor and in proximity to the subterranean Eastern Suburbs heavy rail corridor, and the proposal involves excavation deeper than 2 metres.
103. Accordingly, the application was referred to Sydney Metro and Sydney Trains for concurrence.
104. Both Sydney Metro and Sydney Trains have 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)

105. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SREP 2005.
106. 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.
107. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour.
108. 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.
109. The proposal is consistent with the controls contained within the SREP 2005.

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

110. An assessment of the proposed development against the relevant provisions of the Sydney LEP 2012 is provided in the following table sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is zoned B8 Metropolitan Centre under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).</p> <p>The proposed land use is defined as a "mixed-use development", comprising a "registered club", "retail premises", "office premises", "hotel accommodation" and a "residential flat building", all of which are permissible with consent in the zone.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Not applicable	<p>The site is located in "Area 3" on Sheet HOB_15 of the Height of Buildings Map in the Sydney LEP 2012. No maximum height in metres is specified in in Area 3.</p> <p>The maximum height for buildings on this land is determined by the sun access planes that are taken to extend over the land via the operation of Clause 6.17 of the Sydney LEP 2012 (refer below).</p>
4.4 Floor space ratio (FSR) 6.4 Accommodation floor space 6.6 End of journey floor space 6.7 Entertainment and club floor space	Yes	<p>A maximum FSR of 8:1 is permitted under Clause 4.4 of the Sydney LEP 2012.</p> <p>The site is identified as being located within "Area 2" on Sheet FSR_015 of the Floor Space Ratio Map and additional accommodation floor space is available as follows under Clause 6.4 of the Sydney LEP 2012, pro-rated on the proportionate mix of uses:</p> <ul style="list-style-type: none"> • 6:1 for residential accommodation and hotel accommodation and • 4:5:1 for retail premises.

Provision	Compliance	Comment
		<p>The retained building at 194 Pitt Street is proposed to be used only for the purposes of commercial premises and provides separate basement end of journey facilities.</p> <p>As such, it is eligible for an amount of additional end of journey floor space equal to the floor space occupied by the facilities under Clause 6.6 of the Sydney LEP 2012, being approximately 33 square metres in this instance.</p> <p>There are approximately 338 square metres of floor space proposed as club storage and club end of journey facilities at basement level B1. As such, the building is eligible for additional entertainment and club floor space equal to this area under Clause 6.7 of the Sydney LEP 2012.</p> <p>Up to 10% additional floor space is also available under Clause 6.21(7)(b) of the Sydney LEP 2012, where a proposal is the winning scheme of a competitive design process and the proposed development demonstrates design excellence.</p> <p>The amended development comprises a "building demonstrating design excellence" and is recommended to be awarded an additional 10% floor space.</p> <p>Overall, a total of 14.86:1, is permitted, based upon the proportions of the proposed mix of land uses.</p> <p>A compliant FSR of 14.56:1 is proposed.</p>
4.5A Balconies on certain residential flat buildings	Yes	<p>The proposed development includes partially enclosed 'Sydney' balconies to the residential apartments within the tower.</p> <p>The Gross Floor Area (GFA) of these wind affected balconies has been excluded from the calculation of total floor space.</p>

Provision	Compliance	Comment
		<p>This is because the design of the balconies meets the provisions of the clause, being:</p> <ul style="list-style-type: none"> • The excluded balcony GFA does not exceed 15% of the GFA of the attached apartments; • The balconies are designed to be used as external open space; • The balconies have access to sufficient natural ventilation; and • The enclosure of the balconies does not significantly increase the bulk or massing of the development.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes, subject to conditions	<p>The subject site is identified on Sheet HER_015 of the Heritage Map in the Sydney LEP 2012 as containing three heritage items, being the former Symonds building and the City Tattersall's Club buildings. The exterior of the items and many of the internal features are of high significance.</p> <p>The site is also located in proximity to a number of heritage items of local significance, as described under the Locality heading above. The site is not located within a heritage conservation area, or within a Special Character Area.</p> <p>While the proposal will result in extensive works on the site, the impacts on the items are generally acceptable, compatible with the site setting and will not detract from the significance of the subject and nearby heritage items, subject to conditions.</p> <p>Refer to the further assessment provided below under the Discussion heading.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space (HFS)	Yes, subject to condition	<p>The proposal includes 14,948 square metres of accommodation floor space, which is the total GFA above 8:1 FSR, less the proposed 33 square metres of end of journey floor space and 338 square metres of entertainment and club floor space.</p> <p>Clause 6.11(1)(a) of the Sydney LEP 2012 requires that HFS is allocated to the site equal to 50% of the accommodation floor space.</p> <p>Clause 6.11(2)(a) allows this amount to be reduced by up to 50%, or 1,000 square metres, whichever is the lesser, if the proposed development is the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy.</p> <p>The proposal is the winning scheme of an 'invited' architectural design competition conducted in line with the City's Competitive Design Policy and is eligible for a 1,000 square metre HFS reduction.</p> <p>As such, a total of 6,474 square metres of HFS is required to be allocated to the site. A condition is recommended in Attachment A to require this HFS to be purchased and allocated to the development.</p>
6.17 Sun access planes	Yes	<p>The subject site is subject to the Hyde Park West Sun Access Plane.</p> <p>The City's Model Unit has advised that the proposed development maintains compliance with the requirements for the Hyde Park West Sun Access Plane under Clause 6.17 of the Sydney LEP 2012.</p>
6.19 Overshadowing of certain public places	Yes	The site is within the vicinity of the Sydney Town Hall steps and Sydney Square.

Provision	Compliance	Comment
		<p>The application is accompanied by shadow diagrams which clearly demonstrate that the proposal does not result in any additional overshadowing of these places in accordance with the provisions of Clause 6.19 of the Sydney LEP 2012.</p> <p>The City's Model Unit has confirmed the accuracy of the submitted shadow diagrams.</p>
6.21 Design excellence	Yes	<p>The proposal exhibits design excellence as required by Clause 6.21(4) and is recommended to be awarded an additional 10% floor space in accordance with Clause 6.21(7), given it is the winner of an 'invited' architectural design competition and has retained the key elements of the winning scheme.</p> <p>The amended scheme adequately addresses recommendations made by the competition jury for improvements. These recommendations are addressed in detail below under the Discussion heading.</p> <p>The proposal responds appropriately to the concept approval conditions and planning controls where required. The built form is compatible with the character of the locality and providing an appropriate relationship with the retained heritage buildings on the site and with the adjacent development.</p> <p>The proposal achieves the principles of ecologically sustainable development (ESD) and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>The proposal presents a high standard of architectural design and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning controls and reflecting the desired future character of the area.</p>

Provision	Compliance	Comment
		The proposal will have a positive contribution to the public domain through the provision of street awnings, retention and protection of street trees and provision of an active frontage.

Part 7 Local provisions – general

Provision	Compliance	Comment
7.3 Car parking spaces not to exceed maximum set out in this Division 7.5 Residential flat buildings 7.7 Retail premises 7.9 Other land uses	Yes	No general car parking spaces are proposed.
7.13 Contribution for affordable housing	Yes	The site is located in Central Sydney and subject to the requirements of Clause 7.13 of the Sydney LEP 2012. Refer to the assessment provided below under the Financial Contributions heading.
7.14 Acid sulfate soils (ASS)	Yes	The site is located on land identified in the Sydney LEP 2012 as Class 5 ASS that is within 500 metres of land identified as Class 3 ASS. The application does not propose any excavation works requiring the preparation of an ASS Management Plan.
7.15 Flood planning	Yes, subject to conditions	The site is identified on land identified in the Sydney LEP 2012 as being flood affected. The Flood Assessment Report submitted with the application sets flood planning levels for the proposed development which are in accordance with the relevant requirements of the City's Interim Floodplain Management Policy.

Provision	Compliance	Comment
		<p>Conditions are recommended in Attachment A to ensure that its recommendations are carried through to the certification, construction and operational phases of the development so that the specific flood planning design criteria set out in Clause 7.15 of the Sydney LEP 2012 are met.</p> <p>In light of the above, the objectives of Clause 7.15 of the Sydney LEP 2012 are achieved by the proposal.</p>
7.16 Airspace operations	Yes	<p>The proposed development penetrates the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>As discussed below under the Airports Act 1996 heading, approval has been provided by the Director, Demand Management and Protection of Airspace, Aviation and Airports.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>While the proposal includes demolition of one of the existing building and significant portions of the retained buildings on the site, it also includes construction of a new building under the same application.</p> <p>Council planning staff are therefore satisfied that the site will be comprehensively redeveloped under the consent.</p> <p>The City's standard demolition and site rectification are recommended in Attachment A in accordance with Sections 59 and 60 of the City of Sydney Act, 1988.</p>
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The proposed development will result in the construction of a building greater than 55 metres above the existing ground level on a site located in Central Sydney with an area greater than 1,500 square metres.</p>

Provision	Compliance	Comment
		<p>This triggers the requirement for the preparation of a site-specific DCP.</p> <p>Section 4.23 of the Environmental Planning and Assessment Act, 1979 allows a concept development application to be lodged in lieu of preparing a DCP.</p> <p>Pursuant to Section 4.23 of the Environmental Planning and Assessment Act, 1979, the concept development application D/2018/1246 was submitted in lieu of a site-specific DCP to satisfy the control.</p> <p>The subject application is a detailed design development application submitted in accordance with concept development consent D/2018/1246, as proposed to be modified by the concurrent Section 4.55(2) modification application D/2018/1246/A.</p> <p>Subject to approval of the concurrent Section 4.55(2) modification application D/2018/1246/A, the development is consistent with the concept approval and therefore satisfies the provisions of the control.</p>
7.26 Public art	Yes, subject to condition	<p>The proposal includes public art which will be integrated with the detailed design of the development.</p> <p>The preliminary public art plan submitted with the application has been reviewed by the City's Public Art Unit.</p> <p>It is considered acceptable, subject to a condition included in Attachment A, which require final details to be provided prior to the issue of a construction certificate.</p> <p>The preliminary plan provides sufficient details however to satisfy the tests in Clause 7.26(2) as follows, in relation to the proposed artwork:</p>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> It will not involve the display of an advertisement; It will not increase the GFA of the buildings within the development; It will not have any impacts to any nearby heritage items; and It will not have any significantly adverse impacts on the amenity of the public domain, including by overshadowing, wind or noise impacts.

Development Control Plans

Sydney Development Control Plan 2012 (Sydney DCP 2012)

111. An assessment of the proposed development against the relevant provisions within the Sydney DCP 2012 is provided in the following table sections.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1.4 Public open space	Yes	<p>The proposed development results in some additional overshadowing of the north-eastern corner of Hyde Park South after 2pm at midwinter.</p> <p>The shadow diagrams submitted with the application demonstrate that the proposal remains compliant with the requirement of the provision at Section 3.1.4(3)(a) of the Sydney DCP 2012 that 50% of the total area of the park receives sunlight for 4 hours between 9am to 3pm on 21 June.</p>
3.1.5 Public art	Yes, subject to condition	<p>A preliminary public art plan has been submitted with the application, demonstrating provision for public art in the proposed development.</p> <p>Refer to the assessment provided in relation to Clause 7.26 of the Sydney LEP 2012 in the compliance table above.</p>

Provision	Compliance	Comment
<p>3.2. Defining the Public Domain</p> <p>3.2.1 Improving the public domain</p> <p>3.2.2 Defining the public domain</p>	Yes, subject to conditions	<p>The proposal satisfactorily addresses the public domain, given that it:</p> <ul style="list-style-type: none"> • Minimises the overshadowing effects of the new building on publicly accessible open space between 9am and 3pm on 21 June, via compliance with the Hyde Park West Sun Access Plane; • Does not impede any significant views from the public domain to any public places, parks, heritage buildings, or monuments; • Achieves the flood planning levels recommended in the flood assessment submitted with the application; • Incorporates high quality materials and finishes and public art in publicly accessible locations; • Provides multiple points of entry into the development to the hotel lobby, club lobby, residential lobby, and retail premises, with entries emphasised through architectural devices and treatments; and • Subject to conditions recommended by the City's Public Domain Unit, the proposed development will be designed to appropriately interface and integrate with the public domain to Pitt Street.
3.2.3 Active frontages	Acceptable	<p>The site is identified on Sheet 015 of the Active frontages map in the Sydney DCP 2012 as having to provide an active frontage to Pitt Street.</p> <p>The design intent of the proposed shopfronts maximises entries, shopfront display windows, minimises blank portions of the ground level facade and provides for a high standard of finish and architectural detail.</p>

Provision	Compliance	Comment
		<p>It delivers less glazing area (54% or approximately 25 metres) than that required (70% or approximately 32 metres) under Section 3.23(3), however this is considered acceptable, subject to a condition recommended by the City's Heritage Specialist and included in Attachment A, which requires further development of the shopfront design details to ensure an appropriate heritage outcome for the retained buildings.</p> <p>The proposal also includes a service entry driveway which is not generally permitted on active frontages, unless there is no alternative.</p> <p>This is acceptable only in the specific circumstances of the site and proposal, subject to a condition requiring the further refinement and minimisation of the driveway in the public domain plan.</p> <p>Refer to the assessment provided below under the Discussion heading.</p>
3.2.4 Footpath awnings	Yes, subject to conditions	<p>Awnings are required for the site as identified on Sheet 015 of the Footpath awnings and colonnades map in the Sydney DCP 2012.</p> <p>Awnings are proposed to the Pitt Street frontage of each of the three heritage buildings and new infill building.</p> <p>The height, depth and form of the new awnings are generally acceptable, subject to a condition recommended by the City's Heritage Specialist and included in Attachment A, which requires further development of the awning design details.</p> <p>Refer to the assessment provided below under the Discussion heading.</p>
3.2.7 Reflectivity	Yes, subject to condition	<p>A condition is recommended in Attachment A to ensure that light reflectivity from the building facades in the proposed development does not exceed 20%.</p>

Provision	Compliance	Comment
3.2.8 External lighting	Yes, subject to condition	<p>No external lighting is detailed as a part of the proposed development beyond generalised references in the application documentation.</p> <p>A condition is recommended in Attachment A to require the lodgement of a separate application for any external floodlighting or illumination of the building or site landscaping.</p>
<p>3.3 Design Excellence and Competitive Design Processes</p> <p>3.3.1 Competitive design process</p>	Yes	<p>As noted above under the History Relevant to the Development Application heading, the proposed development has been subject to an 'invited' architectural design competition and is consistent with the winning scheme by BVN.</p> <p>The competition was carried out prior to the lodgement of the subject application, in accordance with the City of Sydney Competitive Design Policy, the Design Excellence Strategy approved under the concept development consent D/2018/1246 and using the Model Competitive Processes Brief.</p>
<p>3.3.3 Award for design excellence</p> <p>3.3.5 Awarding additional floor space</p>	Yes	<p>In accordance with Clause 6.21(7) of the Sydney LEP 2012, the proposal seeks an additional 10% floor space on the basis that design excellence has been achieved through a competitive design process.</p> <p>The proposal has addressed the recommendations made by the competition jury and, as a consequence of the 'invited' architectural design competition, the amended development is considered to be a "building demonstrating design excellence".</p> <p>As such, it is recommended to be awarded up to an additional 10% floor space.</p> <p>The additional floor space is pro-rated by the area covered by the competitive design process, as a proportion of the total developable site area.</p>

Provision	Compliance	Comment
		<p>The competitive design process applied to the entire site and therefore the 10% floor space is calculated across the entire site.</p> <p>Refer to the assessment provided below under the Discussion heading.</p>
3.5 Urban Ecology	Yes, subject to conditions	<p>The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.</p> <p>Appropriate conditions relating to the protection of adjacent street trees are recommended by the City's Tree Management Officer and included in Attachment A.</p>
3.6 Ecologically Sustainable Development	Yes, subject to conditions	<p>The proposed development will meet the sustainability requirements of BASIX relating to the residential component of the development, and Section J of the Building Code of Australia, which is applicable to the other proposed uses.</p> <p>Additional initiatives are included in the BASIX documentation in order to achieve the requirement for BASIX energy and water scores of at least 35 and 45 respectively, and to provide a NABERS energy and water ratings of at least 4.5 stars and 4 stars respectively, in accordance with the concept development consent D/2018/1246.</p> <p>Appropriate conditions are recommended in Attachment A to ensure that these requirements are carried through to the certification, construction and operational phases of the development.</p>
3.7 Water and Flood Management	Yes, subject to conditions	<p>The site is identified as being on flood prone land.</p> <p>Refer to the assessment provided in relation to Clause 7.15 of the Sydney LEP 2012 in the compliance table above.</p>

Provision	Compliance	Comment
		Appropriate conditions relating to stormwater drainage, stormwater quality and flooding are recommended by the City's Public Domain Unit and included in Attachment A.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes, subject to conditions	<p>The proposal involves the consolidation of the two existing allotments into one.</p> <p>The application was referred to Council's Specialist Surveyor, who recommended conditions included in Attachment A to require:</p> <ul style="list-style-type: none"> • Consolidation of the lots within the site; and • Various restrictions on the land.
3.9 Heritage 3.9.4 Development of sites of State heritage significance or containing more than one heritage item	Yes, subject to conditions	<p>Refer to the assessment provided in relation to Clause 5.10 of the Sydney LEP 2012 in the compliance table above.</p> <p>A heritage committee is required to be appointed to examine and advise on the merits of the proposal, which is not warranted in the circumstances.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>
3.11 Transport and Parking 3.11.1 Managing transport demand	Yes, subject to conditions	<p>The proposal comprises a mixed-use development including a non-residential development exceeding 1,000 square metres of GFA and 25 dwellings. As such, it generates a requirement for a Transport Impact Study, Green Travel Plan and Transport Access Guide under the relevant provisions of Section 3.11.1 of the Sydney DCP 2012.</p> <p>A Transport Impact Assessment report has been submitted with the application in accordance with these requirements, which has been reviewed by Transport for New South Wales and the City's Access and Transport Unit.</p>

Provision	Compliance	Comment
		<p>The latter has advised that it is acceptable with regard to the controls in Section 3.11.1 of the Sydney DCP 2012.</p> <p>Conditions are recommended in Attachment A to ensure the development of a Green Travel Plan and Transport Access Guide for the development.</p>
3.11.3 Bike parking and associated facilities	Yes, subject to conditions	<p>The relevant provisions in Section 3.11.3 of the Sydney DCP 2012 require the provision of:</p> <ul style="list-style-type: none"> • 241 residential class B spaces; • 24 residential class C spaces; • 33 non-residential class B spaces; • 38 non-residential visitor spaces; • 8 showers with change areas; and • 33 personal lockers. <p>The proposed development incorporates the provision of a combined total of 343 bicycle parking spaces and end of journey facilities as follows:</p> <ul style="list-style-type: none"> • 243 residential class B spaces; • 25 residential visitor class C spaces; • 28 club staff class B spaces; • 28 club visitor class C spaces; • 3 hotel staff class B spaces; • 6 hotel visitor class C spaces; • 5 retail staff class C spaces; • 5 retail visitor class C spaces; • 8 showers with change areas; and • 22 personal lockers.

Provision	Compliance	Comment
		A condition is recommended in Attachment A to ensure compliance with the minimum requirements set out above.
3.11.6 Service vehicle parking	Acceptable, subject to conditions	<p>The provision at Section 3.11.6(1) of the Sydney DCP 2012 requires service vehicle parking to be provided in accordance with the requirements set out in Schedule 7.</p> <p>Schedule 7.8.1(1) of the Sydney DCP 2012 requires the provision of at least 7 service vehicle spaces.</p> <p>The proposed development provides 2 Medium Rigid Vehicle (MRV) parking spaces and 2 Small Rigid Vehicle (SRV) parking spaces within basement level B1.</p> <p>Subject to the conditions recommended in Attachment A requiring the further development of a freight, loading and servicing management plan, the proposed service vehicle parking provision is acceptable.</p>
<p>3.11.10 Vehicle access for developments greater than 1000sqm GFA</p> <p>3.11.11 Vehicle access and footpaths</p>	Acceptable, subject to conditions	<p>The section of Pitt Street adjoining the site are restricted for new vehicle access as the locality is subject to high pedestrian activity, as identified on Map Sheet 015 of the Pedestrian priority map in the Sydney DCP 2012.</p> <p>No car parking is proposed on site and conditions are recommended in Attachment A limiting the use of the driveway by service vehicles to times of low pedestrian activity, by booking, and to between the hours of 7.30pm and 7.30am only (except for emergencies and Council waste collection).</p> <p>Additional conditions require:</p> <ul style="list-style-type: none"> • Vehicles entering or leaving the site to do so in a forward direction;

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • Installation of signs at Pitt Street to compel drivers to give way to pedestrians; • The minimisation of the driveway width in the public domain plan; and • The preparation of car parking, loading and servicing management plan and transport access guides.
3.11.12 Tandem, stacked and mechanical parking areas	Yes, subject to conditions	<p>The proposed development includes a truck hoist and turntable within the basement.</p> <p>These mechanical parking installations are acceptable, given the physical constraints posed by the retained heritage buildings, the subterranean Sydney Metro rail corridor beneath the site, and the configuration and necessary space given over to other critical uses within the basement.</p> <p>A condition is recommended in Attachment A requiring the truck hoist and turntable to be reviewed for suitability for implementation and compliance with Australian Standard AS 2890.1.</p>
3.11.13 Design and location of waste collection points and loading areas 3.11.14 Parking area design	Yes, subject to conditions	<p>Section 3.11.13 of the Sydney DCP 2012 requires waste collection and loading by Council vehicles to be accommodated within the basement levels of new development.</p> <p>Waste collection and loading is proposed to be wholly accommodated within basement level B1 of the proposed development, with residential waste collection carried out by Council waste collection vehicles.</p> <p>These waste management facilities will be accessed from Pitt Street, with a truck hoist and turntable capable of accommodating a Council waste collection vehicle.</p>

Provision	Compliance	Comment
		<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, and a parking, loading and servicing management plan to be developed.</p>
3.12 Accessible Design	Yes, subject to conditions	<p>The proposed development meets the requirements of Section 3.12 of the Sydney DCP 2012, as it includes the provision of 15% (37 of 241) of apartments as adaptable dwellings, which include a range of one, two and three bedroom apartments. The proposal also provides 20% (49 of 241) of apartments as silver level liveable dwellings.</p> <p>Conditions are recommended in Attachment A to ensure that the proposal provides appropriate access and facilities for persons with disabilities, in accordance with the Sydney DCP 2012 and the Building Code of Australia.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The safety and security of the public domain is enhanced by the proposed increase in activity within the site and casual surveillance of the surrounding streets from the development.</p> <p>The proposal provides separate and secure entrances to the different building uses, adequate passive surveillance and a range of other security measures.</p>
3.14 Waste	Yes, subject to conditions	<p>The development includes waste chutes serving each floor and waste rooms and bulky storage areas within the basement. The proposal also includes the provision for on-site waste collection by Council waste vehicles.</p> <p>A range of waste management conditions are recommended in Attachment A to ensure waste is managed on the site in accordance with Section 3.14 of the Sydney DCP 2012.</p>

Provision	Compliance	Comment
		These include a requirement for detailed contingency planning in the case of truck hoist or chute failure.
3.15 Late Night Trading Management	Yes, subject to conditions	<p>The proposal includes a hotel use with hours of operation 24 hours per day, 7 days per week, to allow appropriate check in and check-out services.</p> <p>The hotel accommodation use is a category C 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 Late night trading areas map.</p> <p>The proposed trading hours fall within the base hours for late night management areas and do not require the implementation of a trial period.</p> <p>Conditions are recommended in Attachment A to ensure that the use will operate with minimal impacts on the surrounding development within the locality.</p>
3.16 Signage and Advertising 3.16.1 Signage strategy	Yes, subject to condition	<p>The proposed development does not seek consent for the detailed design of any signage, but does include a signage strategy which seeks approval for the following signage zones:</p> <ul style="list-style-type: none"> • The fascia awning of the heritage item at 198 Pitt Street; • The ground floor facade fronting Pitt Street; and • The western facade at the top of the building. <p>As discussed elsewhere in this report in relation to SEPP 64, while the intent of the strategy is generally supported, it does not include sufficient detail on the proposed signage zones, or provide a materials and finishes palette, consistent with the relevant provisions of Section 3.16 of the Sydney Development Control Plan 2012.</p>

Provision	Compliance	Comment
		A condition is recommended in Attachment A to require the signage strategy to be updated accordingly and submitted to the City for approval.
3.17 Contamination	Yes, subject to conditions	<p>As discussed above in relation to SEPP 55, the City's Health and Building Unit has reviewed the detailed site investigation report submitted to satisfy both SEPP 55 and Section 3.17 of the Sydney DCP 2012.</p> <p>The advice received advises that, subject to the recommended conditions relating to contamination in Attachment A, the site can be made suitable for the proposed development.</p>

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
<p>4.2.1 Building height</p> <p>4.2.1.2 Floor to ceiling heights and floor to floor heights</p>	Acceptable	<p>The proposal provides floor to floor heights of 3.1 metres to all residential apartments, which can achieve 2.7 metre floor to ceiling heights.</p> <p>Floor to floor heights of 3.05 metres are proposed to the hotel podium levels which provides for acceptable floor to ceiling heights within hotel rooms.</p> <p>The existing basement of the heritage item at 194 Pitt Street has a floor to floor height of 2.7 metres which does not comply with the required 4.5 metre floor to floor height control. This is acceptable however, given that:</p> <ul style="list-style-type: none"> • Its significant heritage building fabric is retained by the proposal; and • Floor to floor heights in excess of 4.5 metres at the ground floor level and 3.6 metres to the commercial levels above are provided.

Provision	Compliance	Comment
		Generally compliant basement, ground and first floor heights in excess of 5 metres are provided to the buildings at 196, 198-200 and 202-204 Pitt Street, with the exception of the hotel lobby, which has an acceptable height of 4.46 metres, given the heritage significant Corinthian Room located above.
4.2.3 Amenity	Yes, subject to conditions	<p>The proposal is generally acceptable with regard to residential apartment amenity considerations, subject to the conditions recommended in Attachment A.</p> <p>Further discussion regarding compliance is provided below.</p>
4.2.3.4 Design features to manage solar access	Yes	The design of shading design features throughout the development is generally acceptable.
4.2.3.5 Landscaping	Yes, subject to conditions	The landscaping design is acceptable, subject to the landscape and facade planting conditions recommended in Attachment A.
4.2.3.10 Outlook	Yes	All apartments are provided with adequate outlook and views and outlook from the surrounding development has been considered in the site planning and massing of the development.
4.2.3.11 Acoustic privacy	Yes, subject to conditions	<p>An acoustic report was submitted with the application.</p> <p>The report has been reviewed by the City's Health and Building Unit. Advice received is that the recommendations of the report are acceptable.</p> <p>Conditions are recommended in Attachment A to require acoustic control and noise management measures are implemented in relation to the proposed plenum systems and the proposed mix of land uses.</p>

Provision	Compliance	Comment
4.2.3.12 Flexible housing and dwelling mix	Acceptable	<p>Section 4.2.3.12 of the Sydney DCP 2012 requires the following dwelling mix:</p> <ul style="list-style-type: none"> • Studio: 5-10%; • One bedroom: 10-30%; • Two bedroom: 40-75%; and • Three+ bedroom: 10-100%. <p>The proposal provides the following dwelling mix:</p> <ul style="list-style-type: none"> • Studio: 6% (14 apartments); • One bedroom: 23% (55 apartments); • Two bedroom: 62% (150 apartments); and • Three+ bedroom: 9% (22 apartments). <p>The proposed non-compliance in relation to three and four bedroom apartments is acceptable, given the very minor nature of the numerical variation of the control.</p>
4.2.3.13 Wind affected balconies	Yes	<p>The enclosed balconies to the residential apartments within the tower form are designed in accordance with the provisions set out in Section 4.2.3.13 of the Sydney DCP 2012.</p> <p>The proposed wind screens are well designed and integrate with the building facades. The fixed screens comprise clear glazing and contain a permanent opening in accordance with the required minimum dimensions for wind affected balconies.</p>
4.2.3.14 Apartments with setback bedrooms	Yes	<p>The proposed development does not include any apartments with setback bedrooms.</p>

Provision	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Yes	The retention of the existing heritage items and construction of a generally compatible infill building at 196 Pitt Street will maintain the existing fine grain, built form and varied architectural character to the street frontage of the site.
4.2.5 Types of development 4.2.5.3 Development on busy roads and active frontages	Yes, subject to conditions	<p>The site has frontage to Pitt Street, which is identified on Sheet 015 of the Active frontages map in the Sydney DCP 2012 as being required to provide an active frontage.</p> <p>The acoustic report submitted with the application includes an assessment which concludes that the noise criteria for open windows cannot be achieved without an appropriate design solution.</p> <p>The proposed development has incorporated a mix of operable and non-operable facades, along with a detailed plenum design to mitigate acoustic impacts while maintaining natural ventilation.</p> <p>The proposed plenum system has been subject to peer review by an external ventilation consultant and is acceptable, subject to a condition recommended in Attachment A.</p> <p>This condition will ensure that the detailed plenum design provides appropriate residential acoustic privacy and natural ventilation amenity and is carried through to certification and construction.</p>
4.2.6 Waste and recycling Management	Yes, subject to conditions	<p>Adequate space is provided within each proposed new dwelling, in addition to waste chute rooms which are either located away from habitable rooms or proposed to be treated acoustically.</p> <p>Waste storage rooms are provided within the basement designed to service the residential component of the development.</p>

Provision	Compliance	Comment
		<p>A range of waste management conditions are recommended in Attachment A to ensure waste is managed on the site in accordance with Section 3.14 of the Sydney DCP 2012 and the City of Sydney Guidelines for Waste Management in New Developments 2018.</p> <p>These include a requirement for detailed contingency planning in the case of truck hoist or chute failure.</p>
4.2.7 Heating and cooling infrastructure	Yes	The proposed heating and cooling infrastructure is generally consolidated within centralised locations throughout the development, achieving energy efficiency outcomes consistent with the ESD targets set by the concept development consent and allowing for the accommodation of future technologies.
4.2.8 Letterboxes	Yes, subject to condition	The letterboxes for the residential component of the development are provided within a secure lobby of the building and a condition has been recommended in Attachment A to ensure that they are installed with non-master key locks for security.

4.4 Other Development Types and Uses

4.4.8 Visitor accommodation

Provision	Compliance	Comment
4.4.8.1 General	Yes, subject to conditions	<p>A plan of management (PoM) for the proposed hotel accommodation use has not been submitted with the application.</p> <p>Conditions are recommended in Attachment A to require the submission of, and compliance with a PoM for the hotel use in accordance with the relevant provisions in Section 4.4.8 of the Sydney DCP 2012.</p>

Provision	Compliance	Comment
		<p>The PoM is required to outline general management practices for the hotel development, including hotel management and security available onsite 24 hours, 7 days per week.</p> <p>No hotel room contains triple-tier bunks or cooking facilities, and all toilets and shower facilities are partitioned off within each room.</p>
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes	The proposed hotel rooms range between approximately 30 to 56 square metres in size, with adequate storage provided in each room.

Section 5 – Specific Areas

Section 5.1 - Central Sydney

Provision	Compliance	Comment
5.1.1 Street frontage heights	No but acceptable	<p>Street frontage heights in Central Sydney are required to be between 20 to 45 metres.</p> <p>The proposed infill building at 196 Pitt Street is provided with a compliant street frontage height of approximately 24.9 metres to match the height of the adjoining heritage item at 198-200 Pitt Street.</p> <p>The height of the existing heritage items retained on the site ranges between approximately 19 to 28 metres and do not fully comply with the minimum height of the control.</p> <p>The non-compliance is acceptable in this case however, given the heritage significance of the subject items.</p>
5.1.2 Building setbacks 5.1.2.1 Front setbacks 5.1.2.2 Side and rear setbacks	Acceptable	The proposed development does not provide front, side or rear setbacks in accordance with Section 5.1.2 of the Sydney DCP 2012.

Provision	Compliance	Comment
	Generally consistent with the concept building envelope	<p>The proposed development has been generally designed in accordance with the concept building envelope, as proposed to be modified by the concurrent modification application D/2018/1246/A.</p> <p>Refer to the assessment provided below under the Discussion heading.</p>
5.1.5 Building bulk	Yes	<p>The proposed tower has a compliant floor plate of approximately 940 square metres.</p> <p>This is less than the maximum permitted floor plate of 1,000 square metres.</p> <p>The horizontal dimensions of the tower parallel to Pitt Street is approximately 28 metres, which is less than the maximum dimension of 40 metres.</p>
5.1.6 Building exteriors	Yes	<p>The proposal 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 materiality and design of the development are distinctive and are the result of an 'invited' architectural design competition.</p> <p>The overall exterior composition of the three main components of the tower reflect the three key land uses of the site, being:</p> <ul style="list-style-type: none"> • The City Tattersall's club within the existing sandstone and masonry heritage buildings; • The GRC clad hotel podium facade with integrated landscape planters to its west elevation; and • The glazed residential tower with colourback glass spandrels, clear vision glazing, and bronze coloured metal elements to sun shading fins, balconies and other building elements.

Provision	Compliance	Comment
		A condition is recommended in Attachment A to require a detailed materials and samples board in order to ensure that the design quality intent of the proposed building exteriors is carried through to the certification and construction phases of the development.
5.1.9 Award and allocation of heritage floor space (HFS) 5.1.9.5 Calculating the heritage floor space to be allocated	Yes, subject to condition	A condition of consent is recommended in Attachment A to ensure the correct HFS allocation is apportioned to the development.

Discussion

Consistency with Concept Development Consent

112. On 14 November 2019, development consent D/2018/1246 was granted by the CSPC for a concept building envelope for the redevelopment of the City Tattersall's Club, comprising a podium and tower containing indicative residential, retail, hotel and club land uses.
113. Pursuant to Section 4.24 of the Environmental Planning and Assessment Act 1979, any subsequent detailed design development determination cannot be inconsistent with the concept development consent.
114. Subject to the approval of the modifications concurrently sought under D/2018/1246/A, the proposed detailed design sought under the subject application is consistent with the concept consent. The concept approval includes a number of conditions of consent.
115. An assessment of compliance with these conditions, which specifically required details to be addressed as part of the detailed design application, is provided in the table below.

Condition Number	Condition	Assessment
4	Building Height	The proposal complies with the Hyde Park West Sun Access Plane in accordance with Clause 6.17 of the Sydney LEP 2012
5	Floor Space Ratio	The proposed development has a floor space ratio which does not exceed 14.86:1, as outlined elsewhere in this report.

Condition Number	Condition	Assessment
		The proposed development is the winning scheme arising from a competitive design process and its detailed design exhibits design excellence, qualifying for an additional 10% floor space in accordance with the provisions of Clause 6.21(7) of the Sydney LEP 2012.
6	Compliance with Concept Envelope Heights and Setbacks	The proposed development complies with the building heights and setbacks established under the consent, subject to the concurrent Section 4.55(2) modification application D/2018/1246/A, which is recommended for approval by the CSPC.
7	Detailed Design to be Contained Within Approved Envelope	The proposed development is generally contained within the approved building envelope established under the consent, subject to the concurrent Section 4.55(2) modification application D/2018/1246/A, which is recommended for approval by the CSPC.
8	Competitive Design Process	<p>An 'invited' architectural design competition has been undertaken in accordance with the approved design excellence strategy prior to lodgement of the subject application, as detailed under the History Relevant to the Development Application heading above.</p> <p>The proposal exhibits design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.</p>
9	Detailed Design of Buildings	<p>The 'invited' architectural design competition brief was prepared in accordance with the requirements of this condition. The detailed design of the development is also consistent with the requirements of the condition in the following manner:</p> <ul style="list-style-type: none"> • The hotel podium has been designed as a visually recessive element which complements the retained heritage fabric; • The soffit of the tower cantilever has been proposed to be articulated and finished with a visually recessive treatment, which does not present any significant visual impacts to the heritage items below;

Condition Number	Condition	Assessment
		<ul style="list-style-type: none"> • Communal open space and communal spaces have been provided in accordance with the ADG for the exclusive use of apartment residents, separate to other uses within the development; • Residential apartments located along the northern edge of the building at levels 14 and 15 address the eastern and western boundaries of the site and are not provided with any windows facing the northern boundary; and • All plant and lift overruns at the top of the building are contained within the 'crown' of the development.
10	Design Excellence Process to be Consistent with CMP and Conservation Strategy	The 'invited' architectural design competition brief was prepared to be consistent with the requirements of the conservation strategy and conservation management plan for the site.
11	Costed Heritage Asset Maintenance Plan	An asset management and cyclical maintenance plan has been submitted with the application in accordance with the requirements of these conditions.
12	Cyclical Maintenance Plan	<p>The City's Heritage Specialist has advised that the report is indicative in nature and has recommended a further condition in Attachment A.</p> <p>This condition requires an updated cyclical maintenance plan to be prepared and submitted following the completion of the schedule of conservation work and the insertion of the new structures and services within the envelope of the existing heritage buildings.</p>
13	Disposal of Surplus Salvaged Materials	<p>A salvage plan and methodology report has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Heritage Specialist has provided advice that while it specifies the salvageable materials and building components, the extent of reuse and locations of the reuse are not specified.</p>

Condition Number	Condition	Assessment
		A further condition is recommended in Attachment A to require the salvage plan and methodology report to be further developed and supplemented after stripping out works have been completed.
14	Heritage Conservation Works	A schedule of conservation works has been submitted with the application in accordance with the requirements of the condition.
17	Heritage Items - Works to be Consistent with CMP	<p>The City's Heritage Specialist has reviewed the schedule and advised that foreseeable conservation works are listed, however it should be further developed following stripping out and demolition works have been completed.</p> <p>A further condition is recommended in Attachment A to require the report to be further developed and supplemented after stripping out works have been completed.</p>
15	Heritage Impact Statement Requirements for Detailed Design Development Application	<p>An archival recording report has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Heritage Specialist has reviewed the recording and advised that the recording should be further developed following stripping out and demolition works have been completed.</p> <p>A further condition is recommended in Attachment A to require the recording to be further developed and supplemented after stripping out works have been completed.</p>
16	Heritage Interpretation Plan	<p>A heritage interpretation plan has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Heritage Specialist has reviewed the plan and advised that it includes a broad heritage interpretation strategy and is only conceptual in nature.</p> <p>A condition is included in Attachment A to require it to be further developed for the proposed development with site specific interpretation devices.</p>

Condition Number	Condition	Assessment
18	Sandstone Recycling	<p>A geotechnical and sandstone recycling report have been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Heritage Specialist has reviewed the reports and advised that:</p> <ul style="list-style-type: none"> • The geotechnical report has established a profile of the subterranean geotechnical strata via field investigations including borehole drilling; • A detailed investigation of the existing footings of the heritage buildings and bracing system and underpinning design for retained structure will need to be developed; and • Constraints on construction of columns within the eastern lightwell area are not addressed. <p>Conditions in Attachment A ensure these further investigations and work is carried out to address the identified issues.</p> <p>The advice received in relation to sandstone recycling is that the rock beneath the site is of high strength but is not yellow block and is instead finely cross-bedded sandstone.</p> <p>The conclusion reached is that it is not regarded as high-quality construction material and that from drilling results, there is no evidence of any high-quality building construction material within the site.</p> <p>The City's standard sandstone recycling condition is not recommended in these circumstances.</p>
19	Sites in the Vicinity of Heritage Items	<p>A heritage protection strategy has been provided with the application in accordance with the requirements of the condition.</p> <p>The City's Heritage Specialist has reviewed the strategy and advised that it is generic and preliminary. A condition is recommended in Attachment A requiring that it is further developed and refined to be site specific.</p>

Condition Number	Condition	Assessment
20	Structural Integrity of Retained Building Elements	<p>A structural report, including structural certification and design drawings have been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Heritage Specialist has reviewed the structural information and advised that the report suggests the redevelopment of the site will mean that the structural frames of the buildings will undergo significant modification of the lateral load paths.</p> <p>A comprehensive suite of investigations, including structural testing, are required but have not been carried out. Until all investigations are concluded, the structural intervention needed to the retained heritage buildings will be not known.</p> <p>Issues identified in the report include that:</p> <ul style="list-style-type: none"> • Removal of perimeter concrete walls of 198-200 Pitt Street may impact the lateral stability of the building; and • Blast and fire rating requirements for the substation to be located in the basement of 198-200 Pitt Street may affect the retained reinforced concrete structure. <p>Conditions in Attachment A ensure these further investigations and work are carried out to appropriately address the identified issues.</p>
21	Use of Heritage Consultant	<p>A heritage consultant has been engaged throughout the competitive design process, preparation, lodgement and assessment of the detailed design development application in accordance with the requirements of the condition.</p>
22	Residential Land Use	<p>As discussed elsewhere in this assessment report in relation to SEPP 65, the proposal is generally acceptable with regard to the 9 design quality principles, the objectives, design criteria and guidelines of the Apartment Design Guide, and the relevant apartment mix provisions of the Sydney DCP 2012, subject to the City's standard conditions relating to residential amenity and acoustic privacy included in Attachment A.</p>

Condition Number	Condition	Assessment
23	Residential Acoustic Amenity	<p>An acoustic report has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Health and Building Unit has recommended a condition in Attachment A to ensure that its recommendations are carried through to the certification, construction and operational phases of the development.</p>
24	Archaeological Assessment	<p>An archaeological assessment report has been submitted with the application.</p> <p>The City's Heritage Specialist has reviewed the report and advised that, despite the area having been heavily impacted by the construction of the existing basements and pilings, with any shallow archaeological remains having been removed or destroyed, the site at 202-204 Pitt Street has a moderate to high potential for intact archaeological remains.</p> <p>An excavation permit under Section 140 of the Heritage Act, 1977 is therefore required and an appropriate condition included in Attachment A accordingly.</p>
25	Demolition, Excavation and Construction Noise and Vibration Management Plan	A construction noise and vibration management plan (CNVMP) has been submitted with the application in accordance with the requirements of the conditions.
26	Demolition, Excavation and Construction Noise and Vibration Management Plan - Use of Intrusive Appliances	The City's Health and Building Unit has reviewed the plan and recommended conditions in Attachment A to require the submission of an updated CNVMP.
27	Ecologically Sustainable Development (ESD)	<p>An ESD strategy has been submitted with the application in accordance with the requirements of the condition.</p> <p>The ESD strategy has been reviewed by the City's Environmental Projects Unit and found to be generally acceptable, subject to the BASIX and NABERS conditions included in Attachment A.</p>

Condition Number	Condition	Assessment
28	Public Art	<p>A public art strategy has been submitted with the application in accordance with the requirements of the condition.</p> <p>The strategy has been reviewed by the City's Public Art Unit which has advised that it is acceptable subject to a condition included in Attachment A requiring the submission of a detailed strategy prior to the commencement of substantive construction works.</p>
29	Landscaping	<p>A landscape strategy and detailed design have been submitted with the application in accordance with the requirements of the condition.</p> <p>These have been reviewed by the City's Landscape Assessment Officer, who has advised they are generally acceptable, subject to conditions included in Attachment A requiring further design details to ensure that the proposed landscape component of the scheme is a success.</p>
30	Signage Strategy	<p>A signage strategy has been submitted with the application in accordance with the requirements of the condition.</p> <p>While the intent of the strategy is generally supported, it does not include sufficient detail on the proposed signage zones, or provide a materials and finishes palette consistent with the relevant provisions of Section 3.16 of the Sydney Development Control Plan 2012.</p> <p>A condition is recommended in Attachment A to require the signage strategy to be updated accordingly and submitted to the City for approval.</p>
31	Wind Assessment	<p>A wind report has been provided with the application in accordance with the requirements of the condition.</p> <p>Its conclusions and recommendations are incorporated into the design of the development and accord with the requirements set out in Section 3.2.6 of the Sydney DCP 2012.</p>

Condition Number	Condition	Assessment
32	Reflectivity	<p>A reflectivity report has been submitted with the application in accordance with the requirements of the condition.</p> <p>A condition has been included in Attachment A to ensure that its recommendations are carried through to the certification and construction phases of the development.</p>
33	Acid Sulfate Soils - Preliminary Site Assessment	<p>An acid sulfate soils assessment has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Health and Building Unit has reviewed the assessment and advised that no further action is required with regard to the proposed development and acid sulfate soils.</p>
34	Land Contamination	<p>A detailed site investigation report has been provided with the application in accordance with the requirements of the condition.</p> <p>The City's Health and Building Unit recommends a range of conditions relating to contamination in Attachment A.</p>
35	Access and Facilities for Persons with Disabilities	<p>An accessibility report has been submitted with the application in accordance with the requirements of the condition.</p> <p>Conditions are included in Attachment A to ensure that its recommendations are carried through to the certification, construction and operational phases of the development.</p>
36	Crime Prevention Through Environmental Design (CPTED)	<p>A CPTED report has been submitted with the application in accordance with the requirements of the condition.</p> <p>Conditions relating to security considerations are recommended in Attachment A.</p>
37	Street Trees	<p>An arboriculture impact assessment report has been submitted with the application, which has been amended to retain all street trees in accordance with the requirements of the condition.</p>

Condition Number	Condition	Assessment
		<p>The City's Tree Management Unit has recommended a range of tree protection conditions in Attachment A to ensure that street trees are retained and protected through to the certification, construction and operational phases of the development.</p>
38	Bicycle Parking and End of Journey Facilities	<p>Bicycle parking and end of journey facilities have been proposed in excess of that required under Section 3.11.3 of the Sydney Development Control Plan 2012.</p> <p>An appropriate condition has been included in Attachment A to require the quantum and quality of these facilities to be carried through to the certification, construction and operational phases of the development.</p>
39	Driveway Hours of Operation	<p>The application proposes that the driveway hours of operation are 7.30pm to 7.30am, except in the case of emergencies and for Council waste collection.</p> <p>A recommended condition ensures this requirement is carried through to the operational phase of the development.</p>
40	Freight and Servicing Management Plan	<p>A freight and servicing management plan has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Access and Transport Unit has recommended a condition included in Attachment A to require the submission of a final freight and servicing management plan.</p>
41	Loading Dock Design	<p>The design of the proposed loading dock is consistent with Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities in accordance with the requirements of the condition.</p> <p>A recommended condition ensures that design compliance is carried through to the certification, construction and operational phases of the development.</p>

Condition Number	Condition	Assessment
42	Plan of Management Transport for New South Wales - Plan of Management	A plan of management has been submitted with the application in accordance with the requirements of the conditions.
58		Transport for New South Wales and the City's Access and Transport Unit have recommended conditions included in Attachment A to require the submission of a final Plan of Management.
43	Service Vehicle Size Limit	<p>Swept path diagrams have been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Access and Transport Unit has advised they are acceptable, subject to the transport and servicing related conditions recommended in Attachment A.</p>
44	Flooding and Stormwater	<p>A flood assessment report, stormwater quality design and report have been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Public Domain Unit has recommended a range of conditions relating to stormwater drainage, stormwater quality and flooding in Attachment A to ensure that the report recommendations are carried through to the certification, construction and operational phases of the development.</p>
45	Lot Consolidation	<p>A draft allotment consolidation plan has been submitted with the application in accordance with the requirements of the condition.</p> <p>The City's Specialist Surveyor has recommended a condition in Attachment A to require the consolidation of the two existing allotments into one allotment.</p>
46	Waste Management Plan and Waste Facilities	A Waste Management Plan, details of waste collection and servicing and waste facilities design has been submitted with the application in accordance with the requirements of the condition.

Condition Number	Condition	Assessment
		A range of waste management conditions are recommended in Attachment A to ensure waste is managed on the site in accordance with Section 3.14 of the Sydney DCP 2012, including a requirement for detailed contingency planning in the case of truck hoist or chute failure.
50	Sydney Metro	<p>Documentation prepared in accordance with the condition has been submitted with the application in accordance with the requirements of the condition.</p> <p>Sydney Metro has recommended concurrence conditions which have been included in Attachment A.</p>
59	Transport for New South Wales - Construction Pedestrian and Traffic Management Plan	<p>A draft Construction Pedestrian and Traffic Management Plan (CPTMP) has been submitted with the application in accordance with the requirements of the condition.</p> <p>Transport for New South Wales has recommended a condition included in Attachment A to require the submission of a final CPTMP.</p>

Invited Architectural Design Competition Jury Recommendations

116. An 'invited' architectural design competition was held, with six competitors submitting design proposals.
117. The competitive design process resulted in the BVN design being selected as the winning scheme for the podium and tower component of the development on 17 July 2020.
118. The competition jury unanimously resolved that the BVN scheme best demonstrated the ability to achieve design excellence as per Clause 6.21 of the Sydney LEP 2012 and the requirements of the competition brief.
119. The jury also noted several matters that required further resolution prior to lodgement of a detailed design development application, which are depicted in Figure 50 below.

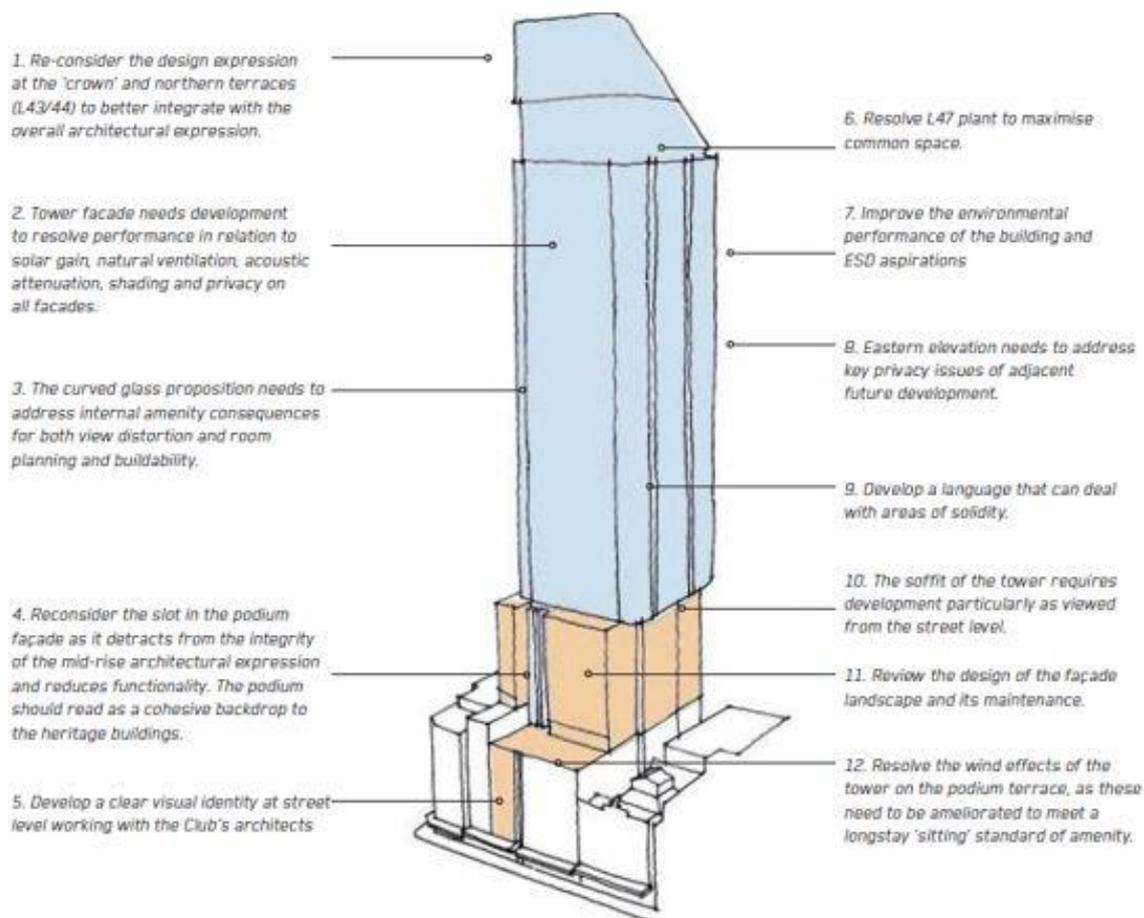


Figure 50: Axonometric drawing extract of the proposal and competition jury comments

120. The table provided below provides a response to these recommendations.

Jury Recommendation	Response
<p>Improve the environmental performance of the building and ESD aspirations.</p>	<p>The design development of the proposal includes:</p> <ul style="list-style-type: none"> • Compliance with Section J of the National Construction Code; • Achieving BASIX energy (35) and water (45) scores equal to or exceeding the targets set in the concept development consent; • 6 star NatHERS average; • 4.5 star NABERS hotel energy rating; • Energy efficient appliances, lighting, HVAC systems and hot water systems; • Metering and monitoring of energy and water consumption;

Jury Recommendation	Response
	<ul style="list-style-type: none"> • 45 kWp rooftop photovoltaic panel array; • Landscape design to reduce the urban heat island effect; • Stormwater quality treatment; • Inclusion of ceiling fans to reduce air conditioning use; • Inclusion of the acoustically lined natural ventilation plenums to reduce air conditioning use; and • Provision of horizontal sunscreen elements and facade geometry to reduce solar load and meet ADG solar access requirements. <p>As discussed elsewhere in this report, the City's Environmental Projects Unit have reviewed these initiatives and advised that they are acceptable.</p> <p>Conditions are recommended in Attachment A to ensure that these ESD commitments are carried through to the certification, construction and operational phases of the development.</p>
<p>Develop a clear visual identity at street level working with the Club's architects.</p>	<p>BVN have worked with FJMT to provide a visual identity for the podium and tower elements at the Pitt Street level of the development in the following manner:</p> <ul style="list-style-type: none"> • Priority has been given to the access to the hotel at 202-204 Pitt Street, including the axis from the entry doors to the hotel lift hall; • Curved or radius architectural elements are repeated throughout the design. At ground level, the proposed shopfronts now incorporate radius glazed corners, reflected in the residential tower cladding which incorporates concave glazing bays and radius corners to apartment balconies; • This architectural language will establish a character that can be appreciated at street level and represents the character of the residential tower above;

Jury Recommendation	Response
	<ul style="list-style-type: none"> • FJMT and BVN have established a cohesive palette of materials which unify the design of the proposed development; • The sandstone heritage facade of the buildings 198-200 and 202-204 Pitt Street is reflected in the proposed in-fill facade at 196 Pitt Street. In addition to new sandstone elements, this facade includes sandstone coloured GRC architectural elements; • GRC is continued up to the hotel floors but in a format articulating a transition from the Club to the glazed residential tower above; • Architectural metalwork is a key feature of the proposed facades. The Club buildings utilise bronze coloured cladding and fenestration at street level, which is continued to the hotel podium and residential tower with use of bronze coloured metal vertical shading, horizontal shading and fenestration; • Another component of the design is the level 14 soffit, visible from Pitt Street, articulating the transition from the hotel podium to the residential tower, incorporating the southern cantilever of the tower over the heritage buildings; and • Interpreting motifs found on the Pitt Street Heritage facades, the proposed design of the soffit incorporates floral, metal fabricated elements finished in light bronze colour with black backing, as depicted in Figure 54 below, linking the tower to the heritage buildings.
<p>Reconsider the slot in the podium facade as it detracts from the integrity of the mid-rise architectural expression and reduces functionality. The podium should read as a cohesive backdrop to the heritage buildings.</p>	<p>The competition scheme included a slot in the mid podium to break down the scale of the hotel block and relate to the massing and facade modulation of the retained heritage buildings, as indicated in Figure 51 below.</p> <p>The slot impacted hotel room functionality and conflicted with the scalloped facade of the residential tower.</p>

Jury Recommendation	Response
	<p>A break in the mid rise massing was considered by the design architects to be an important component in the overall composition of the building and the design development of the proposal has:</p> <ul style="list-style-type: none"> • Maintained the overall composition, modulation and material use across the hotel component; • Recognised the break in the facade by 'regularising' the facade in this area, implementing a simple grid of mullion / sunscreen elements spanning between GRC spandrels; and • Continued the balustrade line at level 14 across the break in the facade with a slight offset. <p>The changes depicted in the perspective drawing extracts reproduced in Figure 51 below respond to the jury comment while maintaining the original design intent as described above.</p>



Figure 51: Perspective drawing extracts of the hotel podium in the competition scheme (left) and in the detailed design (right)

Jury Recommendation	Response
<p>Review the design of the facade landscape and its maintenance.</p>	<p>Building maintenance is addressed by the inclusion of a Building Maintenance Unit (BMU), housed within the 'crown' roof of the tower.</p> <p>The BMU is designed to access all tower facades, include the planting on the western hotel podium facade.</p> <p>The design and landscape architects have worked together on the facade landscape design to minimise maintenance requirements through species selection and inclusion of an integrated irrigation system and drainage system. Plantings are proposed in individual pots within the GRC spandrel, enabling them to be easily replaced when required.</p> <p>The City's Landscape Assessment Officer has reviewed the proposed facade landscape design and advised it is acceptable, subject to conditions in Attachment A requiring further design details of the facade planting to ensure that this component of the scheme is a success.</p>
<p>Resolve the wind effects of the tower on the podium terrace, as these need to be ameliorated to meet a long stay 'sitting' standard of amenity.</p>	<p>During design development the level 6 podium roof terrace was removed as an accessible dining area for the hotel and relocated to the ground floor as part of the Pitt Street site frontage activation.</p> <p>In its place, narrow balconies for hotel rooms, a skylight serving the levels below and an open section to an indicative bar use within the club at level 5 have been proposed.</p> <p>Wind effects of the tower on the podium level are proposed to be addressed by a semi-permeable screen, designed in accordance with the recommendations of the wind report.</p>
<p>Eastern elevation needs to address key privacy issues of adjacent future development.</p>	<p>The design of the east and south tower facades has considered both the approved residential tower at 65-77 Market Street and the potential for future redevelopment of the Stockland Piccadilly site to the south at 133-145 Castlereagh Street.</p> <p>The east and south facades are proposed with conventional flat glazing elements.</p>

Jury Recommendation	Response
	<p>Where the competition scheme included areas of frit on these facades for privacy, in addition to internal blinds and curtains, the detailed design has amended this approach to address the jury comments by:</p> <ul style="list-style-type: none"> • Adding a horizontal blade at 2.7 metres above floor level, which reduces the apparent viewing aspect ratio to each apartment from an external viewer and diminishes overlooking; • Adding a 0.5 metre solid spandrel above floor level, which reduces the ability to see into individual apartments from beneath; and • Adding a series of perforated sliding panels to bedrooms on the east and south facades, which can be adjusted by occupants for privacy while providing access to natural light and views, as depicted in Figure 52 and Figure 53 below. <p>As discussed elsewhere in this report, these measures when considered in conjunction with the building setbacks and separation, satisfactorily address the objectives for visual privacy in Part 3F of the ADG.</p>

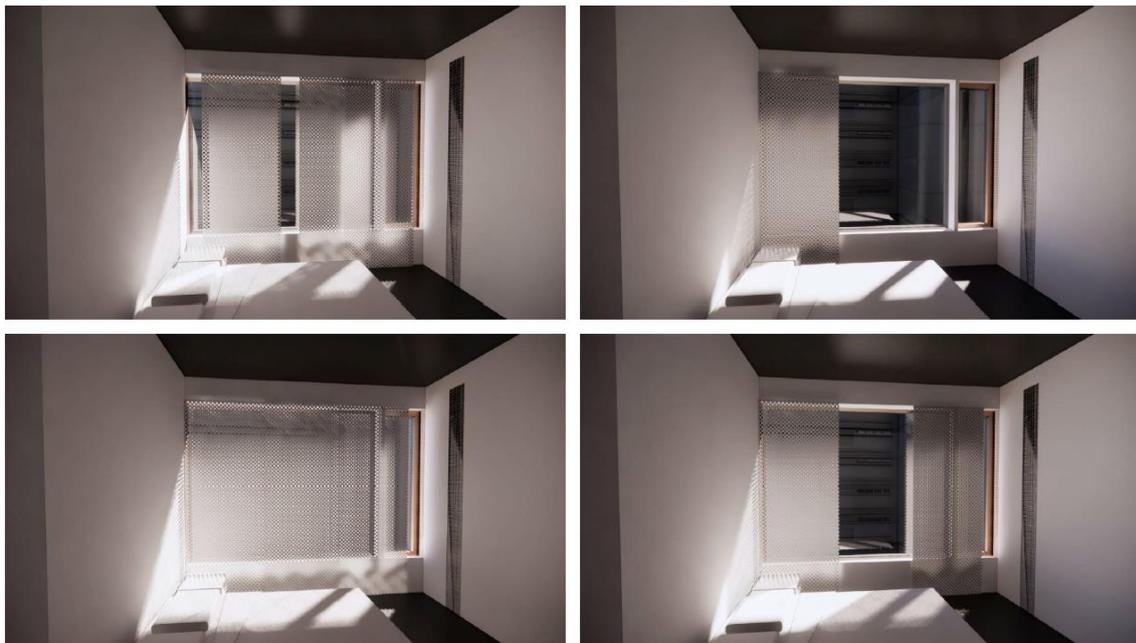


Figure 52: Perspective drawing extracts of the proposed internal privacy screens, looking east

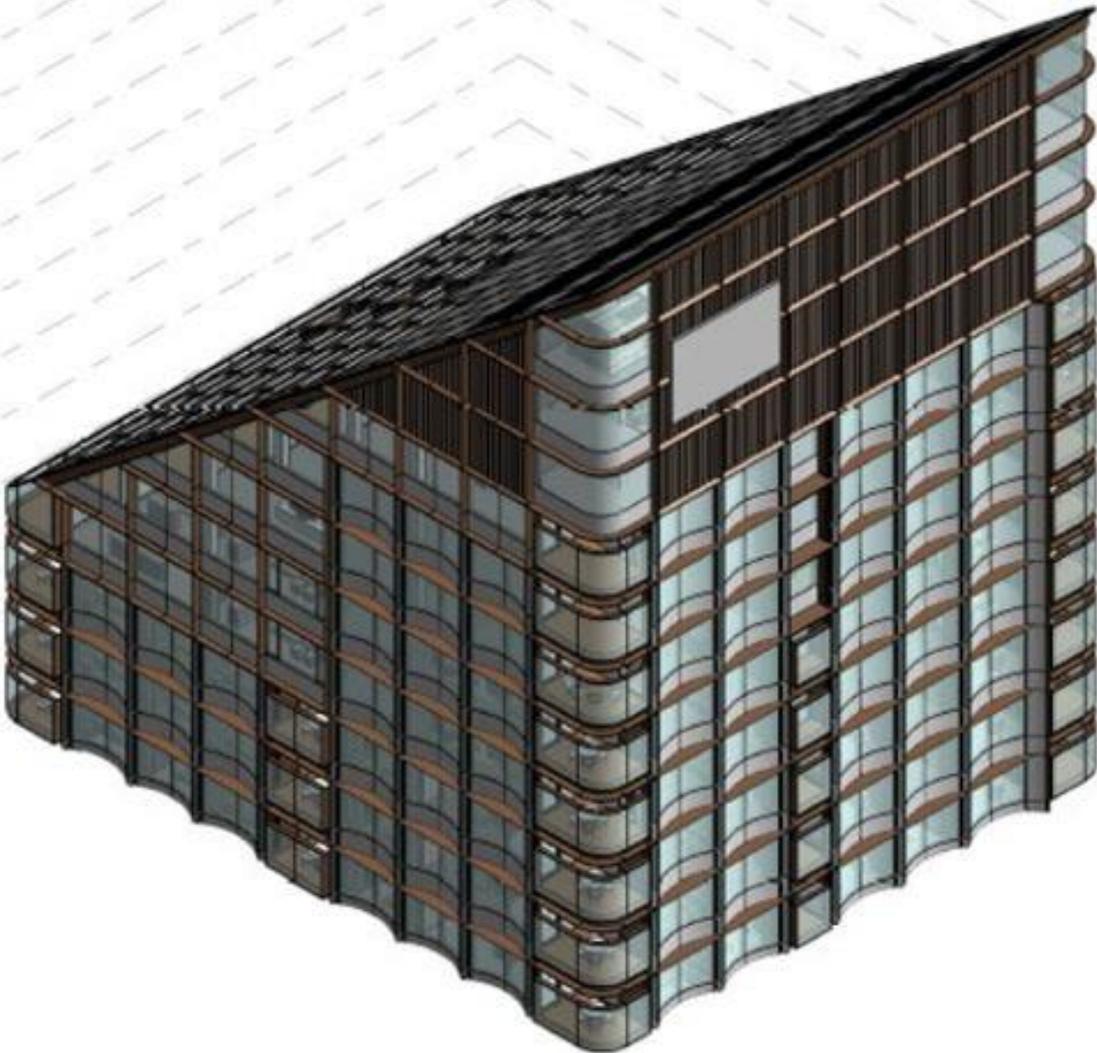
Jury Recommendation	Response
<div style="display: flex; flex-wrap: wrap;">  </div> <p data-bbox="204 958 1342 994">Figure 53: Perspective drawing extracts of the proposed internal privacy screens, looking south</p>	
<p data-bbox="204 1077 667 1171">The soffit of the tower requires development particularly as viewed from the street level.</p>	<p data-bbox="715 1077 1374 1346">The design of the tower soffit is intended to create a ‘field’ of colour and texture on the facade that uses a flower motif from the heritage club facade as a repeating element, as depicted in Figure 54 below. These ‘flowers’ are closely packed on the soffit and are fixed in such a way that there are no panel joints, achieving the original design competition intent of a continuous field.</p> <p data-bbox="715 1379 1374 1547">The flowers are proposed to be a gold copper colour and are three dimensional objects. In conjunction with soffit lighting, the design intent is for a shimmering surface viewed from street level, as a theatrical backdrop to the club below.</p>

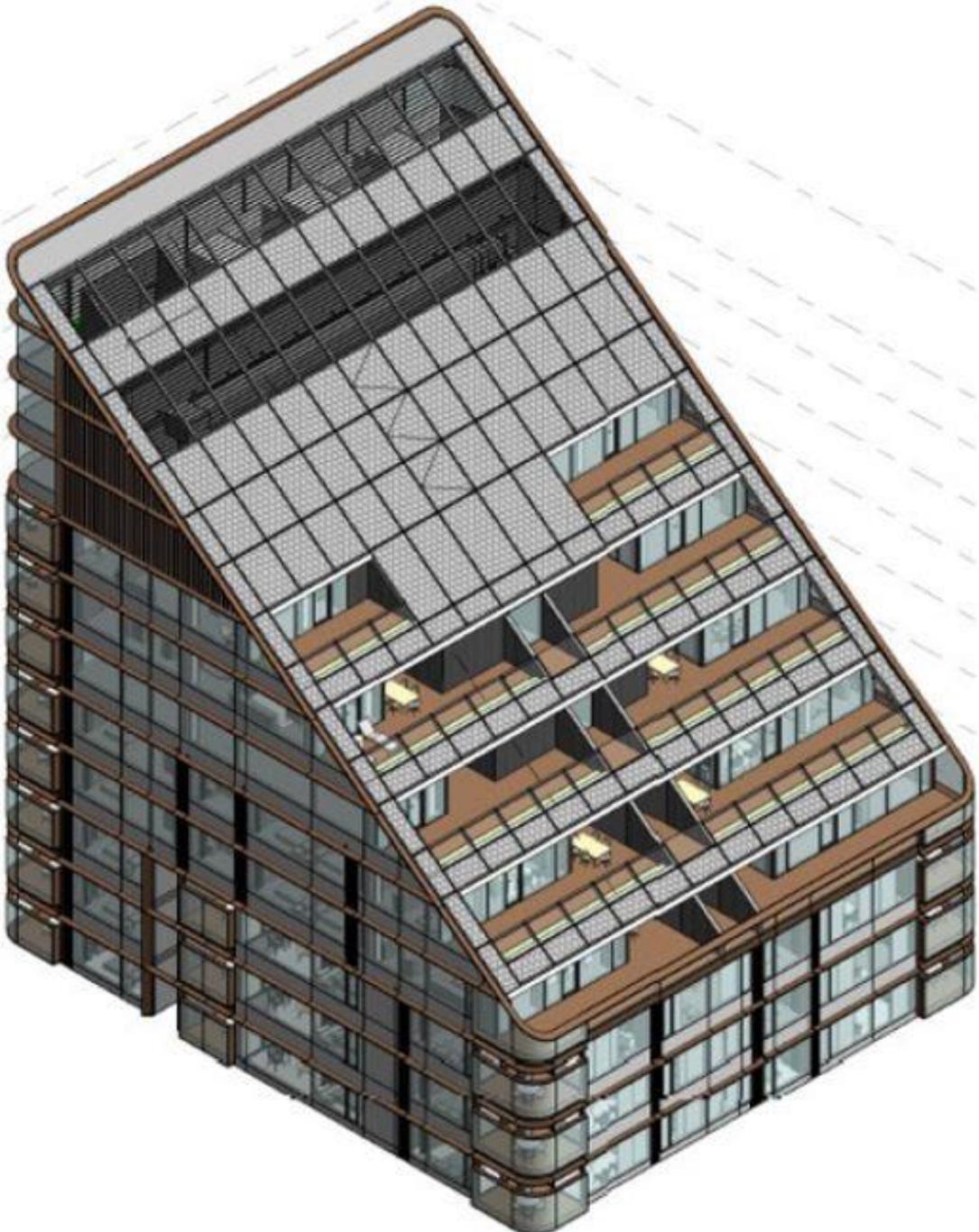
Jury Recommendation	Response
<div style="display: flex; justify-content: space-around; align-items: center;">   </div> <p style="text-align: center; margin-top: 10px;"> FLOWER MOTIF ON HERITAGE FACADE LEVEL 14 RCP + TOWER SOFFIT 3D DETAIL VIEW </p> <p>Figure 54: Perspective and detail drawing extracts of the tower soffit and heritage flower motif</p>	
<p>Tower facade needs development to resolve performance in relation to solar gain, natural ventilation, acoustic attenuation, shading and privacy on all facades.</p>	<p>The design architects have proposed a facade which maintains and extends the architectural intent of the competition scheme to address these issues, including:</p> <ul style="list-style-type: none"> Optimising the radius of the curved glass elements to better align with internal planning, buildability and installation requirements and to achieve the sun screening dimensions to achieve ESD targets;

Jury Recommendation	Response
	<ul style="list-style-type: none"> • Addition of a 0.5 metre spandrel above the internal apartment floor levels; • Incorporation of acoustically lined natural ventilation plenums into the facade; and • Further resolution for residential privacy of residents, including the use of internal sliding panels on the east and south elevations. <p>These measures are generally supported, subject to conditions recommended in Attachment A requiring the further development of the natural ventilation plenums, and that the stated ESD commitments are carried through to the certification, construction and operational phases of the development</p>
<p>Develop an architectural language that can deal with areas of solidity to improve sustainability and privacy.</p>	<p>The composition of the three main land use components, being club, hotel and residential, diminishes in solidity progressively in height, with the lowest levels being solid due to the retained heritage facades, the mid-rise podium being less solid and the tower component least visually solid.</p> <p>The design of the hotel mid podium facade maintains the overall level of solidity proposed in the competition entry, except for the deletion of the slot element referred to above. The solid components are proposed to be clad in GRC with integrated landscape planters to the west facade.</p> <p>The residential tower is designed to be as open as possible as part of the overall composition. It includes areas of solidity, such as the proposed spandrels and metalwork sun screen devices.</p> <p>In order to maintain the original design intent as depicted in Figure 55 below, the spandrels are proposed to be clad in colourback glass of the same colour as the transparent areas of vision glazing, with bronze coloured metal elements providing articulation of the sun screens, balcony definition and other elements to provide clarity and scale to the tower facades.</p> <p>Subject to the conditions recommended in Attachment A requiring submission of the glazing details and a comprehensive materials, finishes and samples board, the proposed facade treatments are supported.</p>

Jury Recommendation	Response
<div data-bbox="212 297 539 394" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">METALWORK ARTICULATION TO BALCONIES</div> <div data-bbox="1007 309 1289 383" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">GLASS SCREEN TO PLENUM INTAKE</div> <div data-bbox="472 416 740 465" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">GLASS-CLAD SPANDREL</div> <div data-bbox="762 416 1043 465" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">METALWORK SUNSCREENS</div>  <p data-bbox="204 1541 1222 1574">Figure 55: Perspective drawing extract detailing the proposed tower facade elements</p>	<p data-bbox="204 1653 676 1821">The curved glass proposition needs to address internal amenity consequences for both view distortion and room planning and buildability.</p> <p data-bbox="715 1653 1377 1821">The radius of the curved glass elements has been designed to reduce risk of fabrication artefacts which may result in visual distortion, achieved by adjusting the curve radius and through glass selection.</p> <p data-bbox="715 1854 1385 1955">The room planning and facade spacing of the scalloped elements has been developed in parallel to achieve a uniform dimension between the two.</p>

Jury Recommendation	Response
	<p>Subject to a condition recommended in Attachment A requiring the submission of details of final glazing details, the proposed curved glass facade elements are supported.</p>
<p>Reconsider the architectural expression at the 'crown' and northern terraces (levels 43 and 44) to better integrate with the overall architectural expression.</p>	<p>The 'crown' of the development has been redesigned to integrate with the tower, accommodate various different functions and to improve the overall visual clarity of the composition.</p> <p>The tripartite massing of the tower is clearly expressed in accordance with its uses as club, hotel and residential, each component with its own identity within a unified scheme. The changes to the 'crown', as depicted in the axonometric diagram extracts reproduced in Figure 56 and 57 provided below, include:</p> <ul style="list-style-type: none"> • Rationalisation of the conceptual approach to the overall massing and clarity of the tower; • Deletion of solid elements and slot wrapping the highest point of the tower; • Extension of the scalloped tower facade elements higher into the tower form; • Resolution of the facade junction with the sloping roof surface by incorporating inset flat sections of glazing and sunscreen elements; • Incorporation of required plant room louvres and the BMU; and • Maintaining the main building lines and the sun shading 'grid', including glazing to the corners of the building to remove the solid line and 'top hat' appearance to the building, connecting the crown to the architectural language of the overall tower.

Jury Recommendation	Response
 <p data-bbox="204 1379 1203 1413">Figure 56: Axonometric drawing extract of the north and west tower 'crown' facades</p>	

Jury Recommendation	Response
	
<p>Figure 57: Axonometric drawing extract of the south and east tower 'crown' facades</p>	
<p>Resolve the level 47 plant to maximise common space.</p>	<p>The communal open space and communal internal spaces has been proposed to be relocated from level 47 of the development to levels 14 and 15.</p>

Jury Recommendation	Response
	<p>The stated reasons in the application for this move are that:</p> <ul style="list-style-type: none"> • Access to level 47 is via a shuttle lift provided at level 43, requiring residents to navigate two lift movements, a disincentive to use of the space; • The overall area of the roof level common space was constrained by the need for space for roof level building services, including the BMU; • External common open space was previously limited to a relatively small roof level terrace in the competition scheme; • The communal areas on levels 14 and 15 are accessed by all of the residential lifts and present the opportunity to have a large external landscaped area at level 14 with three different break out area settings, allowing multiple groups to use this simultaneously without disturbing each other; • The communal areas include provision of a mix of internal functions including lounge area, dining and entertaining room, meeting area, and working from home suites, with spaces that are separate and allow simultaneous booking by residents; • The communal areas all enjoy a northerly aspect with window and door openings allowing for acceptable levels of natural daylight and ventilation; • The internal communal rooms are capable of direct interaction with the proposed landscaped open space at level 14, which is also north facing, overlooked by residents providing casual surveillance of the use of the space, and has been designed to integrate mitigation of prevailing winds in accordance with the submitted wind report; • Overall, the proposed communal areas will provide a multi-function purpose and are suitable for a range of activities and uses by residents; and

Jury Recommendation	Response
	<ul style="list-style-type: none"> The design intent is to respond to different needs of residents including live-work arrangements, and to promote social interaction and gatherings. <p>The proposed changes from the competition scheme are supported as they significantly improve the amenity and accessibility of the common areas of the development, while also resolving the requirement for rooftop building services.</p>

Heritage Conservation

121. The site includes three heritage items and is in proximity to numerous heritage items, as identified in the map depicted in Figure 58 below.

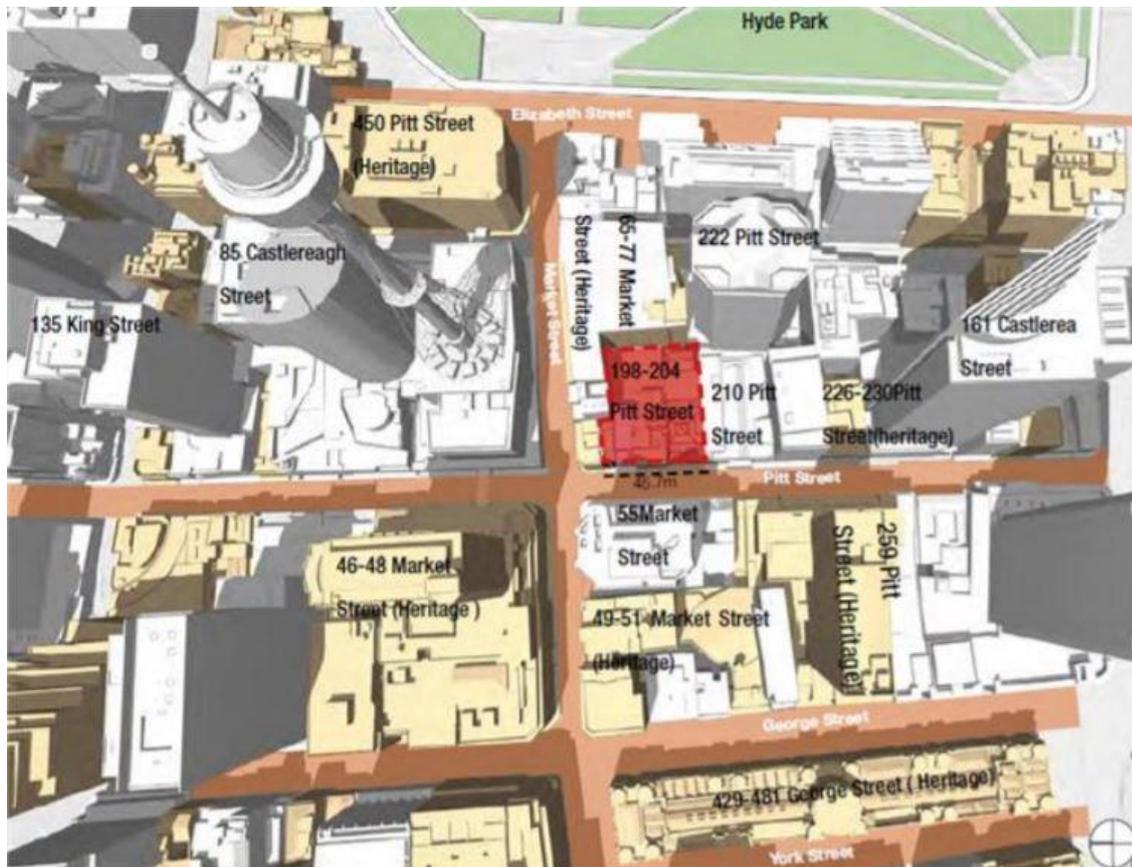


Figure 58: Axonometric view extract of the site and heritage items in the locality (site shown in red)

122. The exterior of the three items (depicted in Figures 4 to 7 above) and many internal features are of high heritage significance (including those depicted in Figure 59, Figure 60 and Figure 61 below). The application is therefore subject to the heritage controls contained in the Sydney LEP 2012 and Sydney DCP 2012.

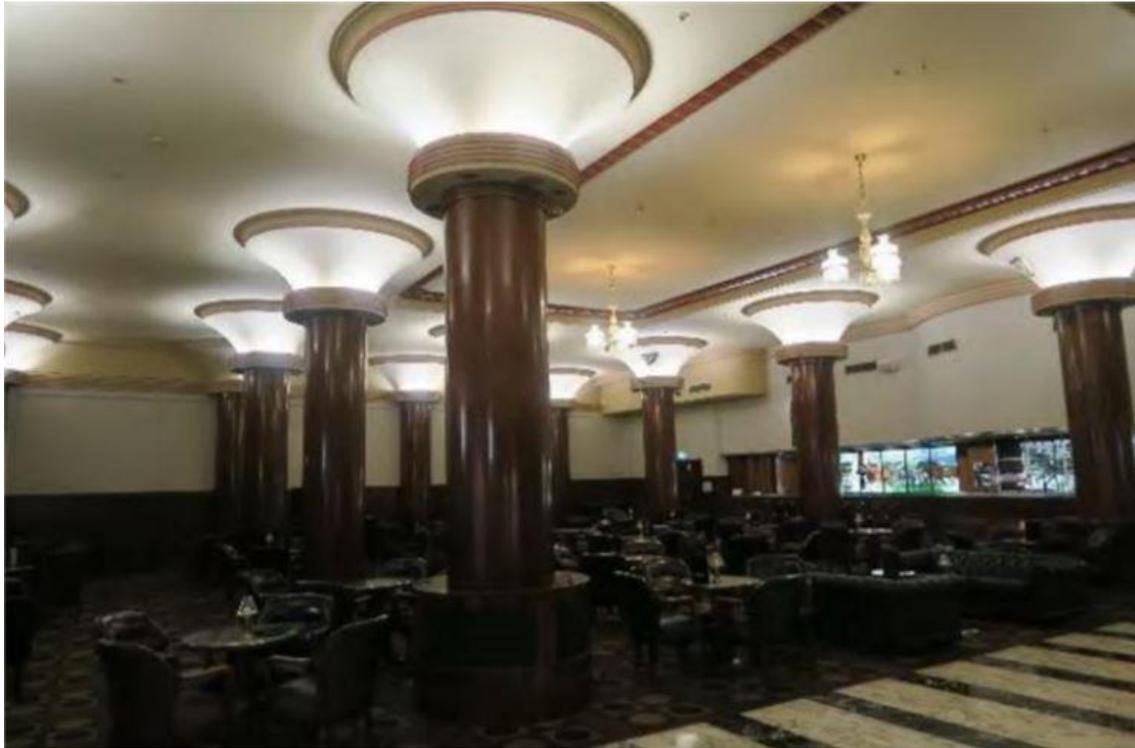


Figure 59: View of the interior of the former Club Room / Lower Bar at 198-200 Pitt St



Figure 60: View across the Celebrity Lounge towards the stage at 198-200 Pitt St



Figure 61: View across the mezzanine of the Corinthian Room at 202-204 Pitt St

123. The assessment provided under each of the headings below addresses the relevant heritage considerations of these controls.

Key elements of the proposed works in relation to heritage fabric

124. The proposed development involves the following works which affect the existing heritage items on the subject site:

- (a) Demolition and excavation affecting heritage fabric and spaces:
 - (i) Partial demolition of the eastern and southern walls of the building at 194 Pitt Street to provide a new lift and stair and connections to the new infill building at 196 Pitt Street;
 - (ii) Demolition of the middle section and roof of the building at 198-200 Pitt Street and excavation for the new basement;
 - (iii) Retention of the facade and two column bays of space behind facade is retained at each level of the building at 198-200 Pitt Street;
 - (iv) Retention of the rear Lower Bar room and the Celebrity room above, with one column within the basement under the Lower Bar to be removed and extension of other columns to allow sufficient headroom for the loading dock;
 - (v) Excavation to the rear of the building at 202-204 Pitt St within the former courtyard area for a new basement; and

- (vi) Removal of the infill mezzanine level at 202-204 Pitt Street to expose original internal cast iron columns;
- (b) Main restoration and conservation works to be carried out:
 - (i) The existing timber stair, internal pressed metal ceilings and timber floors of the building at 194 Pitt Street will be retained and repaired. A condition is recommended in Attachment A to ensure retention of the existing pavement lights and vaults;
 - (ii) Restoration and reinstatement of significant internal features of the Celebrity room and the Lower Bar room within the building at 198-200 Pitt Street, including the Turner columns, as indicated in Figure 62 and Figure 63 below. A condition is recommended in Attachment A to ensure retention of the existing pavement lights and vaults;

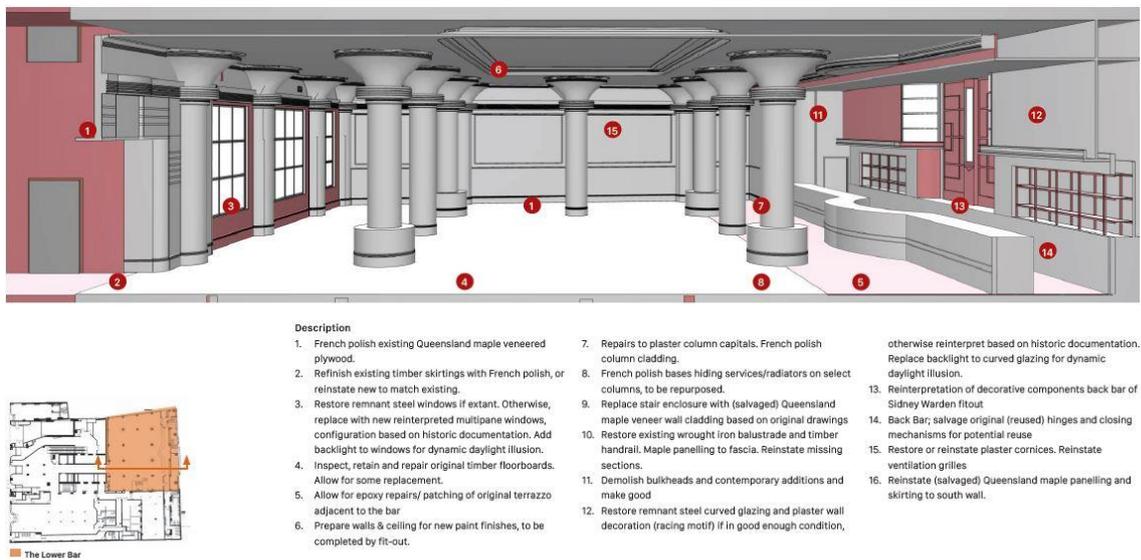


Figure 62: Axonometric visualisation of the works to the Lower Bar room at 198-200 Pitt St

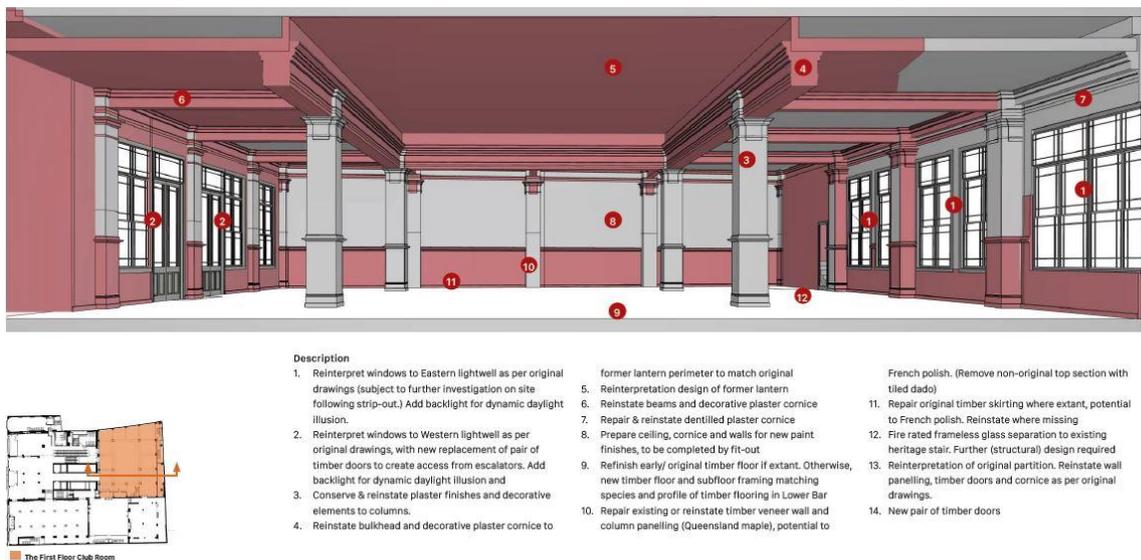


Figure 63: Axonometric visualisation of the works to the Celebrity Club room at 198-200 Pitt St

- (iii) Restoration and reinstatement of significant internal features of the former Billiard room within the rear of the building at 202-204 Pitt Street;
 - (iv) Restoration and reinstatement of the original double storey height of the Corinthian room and upper level administration space, eastern wall windows, rooftop lantern and exposure of original roof and ceiling features within the building at 202-204 Pitt Street;
 - (v) Reinstatement of inset balconies to the buildings at 198-200 and 202-204 Pitt Street and other facade features, including reconstruction of the first level arch windows joinery and parapet horse statue at 202-204 Pitt Street; and
 - (vi) Reinstatement of the face brick finish to the facade 194 Pitt Street;
- (c) Other main works:
- (i) Construction of a plant room above the new roof of the building at 194 Pitt Street, which will be obliquely visible from Pitt Street. A condition is recommended in Attachment A to require the plant room enclosure to utilise a visually recessive material;
 - (ii) Demolition of the existing building at 196 Pitt Street, which was constructed in the 1960s and has no heritage significance. Its demolition will allow access for construction work and a vehicle entry point for the future servicing of the development.

The infill building design is clad in Sydney sandstone panels, with GRC sun shade and driveway entry door cladding, timber cladding to the ground floor and level 5 terrace soffit, bronze coloured metal cladding, low iron glazing in a brass/bronze frame, with frameless glass balustrades to the level 1 and 5 terraces, as depicted in Figure 64 below.

196 Pitt Street

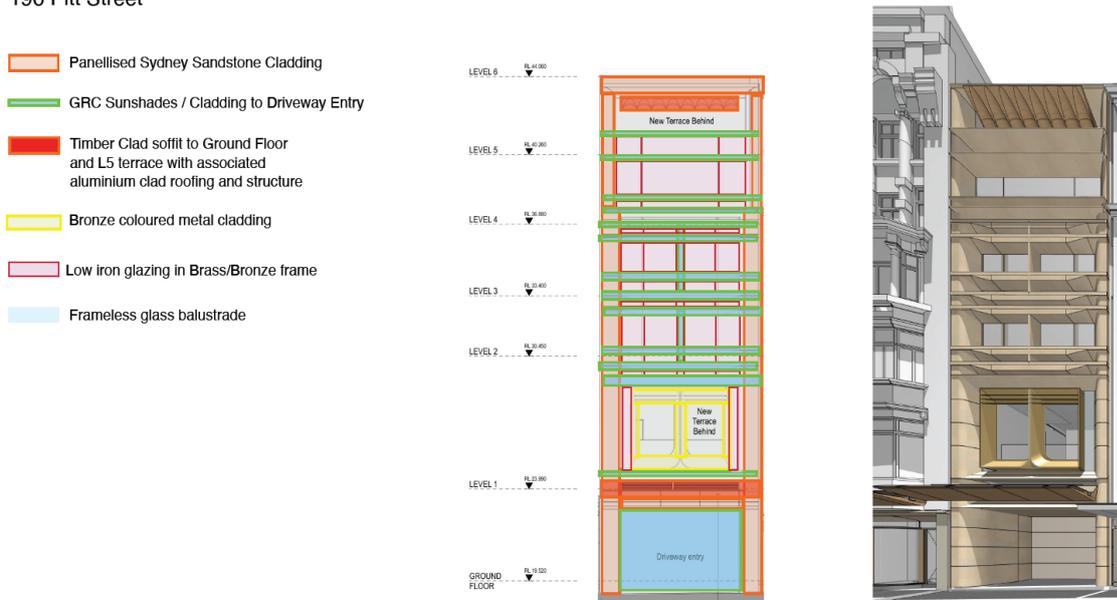


Figure 64: Extract of proposed materials and finishes details to the infill building at 196 Pitt St

It adopts the geometry of the neighbouring heritage facades and presents an appropriate response to the site context and fine grain of the heritage buildings. Its design presents an acceptable response to its context and is supported by the City's Heritage Specialist;

- (iii) Construction of the basement and central structural core of the hotel podium and residential tower. Refer to the further assessment provided under the Structural design heading below;
- (iv) Insertion of a 'pod' structure within the former rear courtyard of the building at 202-204 Pitt Street, as depicted in Figure 65 below, which is acceptable given that it does not affect any significant fabric and is located in the former rear courtyard of the building;



Figure 65: Axonometric visualisation of the proposed works to the building at 202-204 Pitt St

- (v) Construction of a new clerestory roof and roof terrace behind parapet of the infill building at 196 Pitt Street and the building at 198-200 Pitt Street;
 - (vi) Insertion of new columns within the eastern light well of the building at 198-200 Pitt Street to support the structure above Lower Bar room. Refer to the further assessment provided under the Shopfront and street awnings heading below; and
 - (vii) New shopfronts and street awnings to the retained heritage facades.
125. The proposed works outlined above are within the scope of the approved concept development consent D/2018/1246, as proposed to be modified under the current Section 4.55(2) application D/2018/1246/A.
126. The proposed scope of demolition is supported by extensive and detailed heritage significance mapping submitted with the application, as depicted in Figure 66 below.
127. The scope of proposed demolition works is to be expected, given that the new tower relies on the central space within the building at 198-200 Pitt Street to allow for the capacity to build the structure core for the hotel podium and residential tower above.

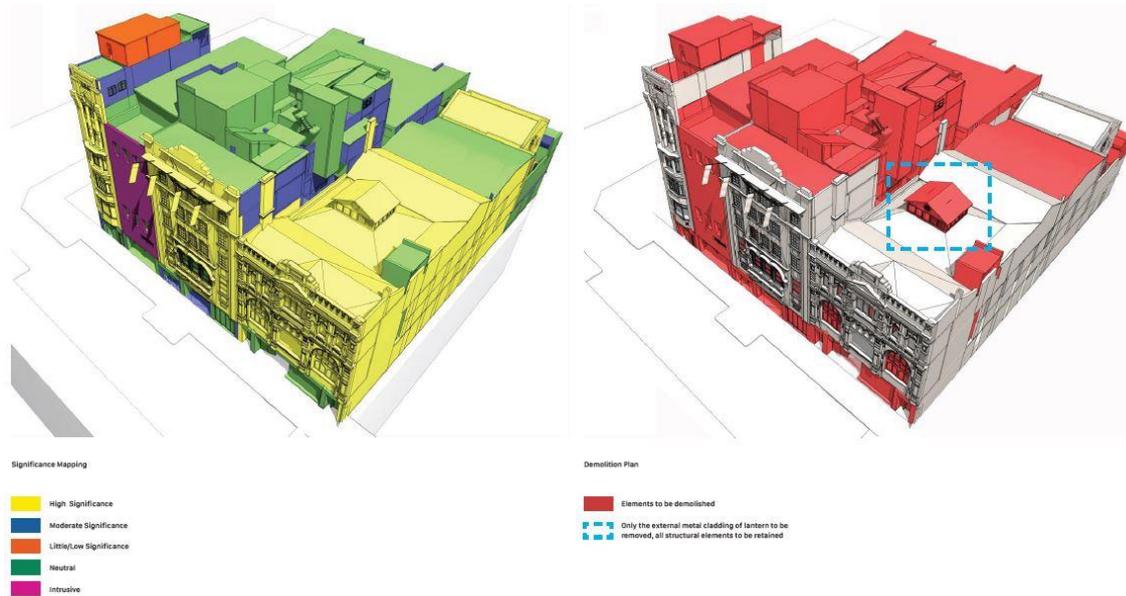


Figure 66: Axonometric significance mapping (left) with highly significant fabric depicted in yellow, and the proposed demolition plan (right) in red

128. The design report submitted with the application describing the proposed works to the heritage items clearly sets out the scope of works and their relationship with the heritage fabric, is well modelled and visualised.
129. The extent of internal conservation and reinstatement of original features on the base of historical evidence will have positive heritage outcomes and is supported by the City's Heritage Specialist.

Shopfront and street awnings

130. A revised design study of the ground level shopfronts and street awnings accompanied the amended application submitted to the City on 19 August 2021. This study is based on further investigation of historical records and consideration of the new functions of the ground floor spaces. Efforts have been made to properly interpret the original and early shopfronts of the three heritage buildings.
131. Recessed central entries, highlight windows, stall boards and traditional framing materials (in timber and bronze) are proposed to be incorporated in the new shopfronts. The overall pattern and configuration of the shopfronts interprets the form of the original or early shopfronts, which provide for an improved and more sympathetic relationship between the retained upper level heritage facades and the ground level shopfronts and entrances. The curved elements within the shopfronts present a contemporary form, however this feature is an acceptable response to the circular columns within the main lounge of the building at 198-200 Pitt Street.
132. The awning of the building at 198-200 Pitt Street is proposed to be reinstated to its original form and materiality, based on the available historical evidence, as depicted in Figure 67 below.

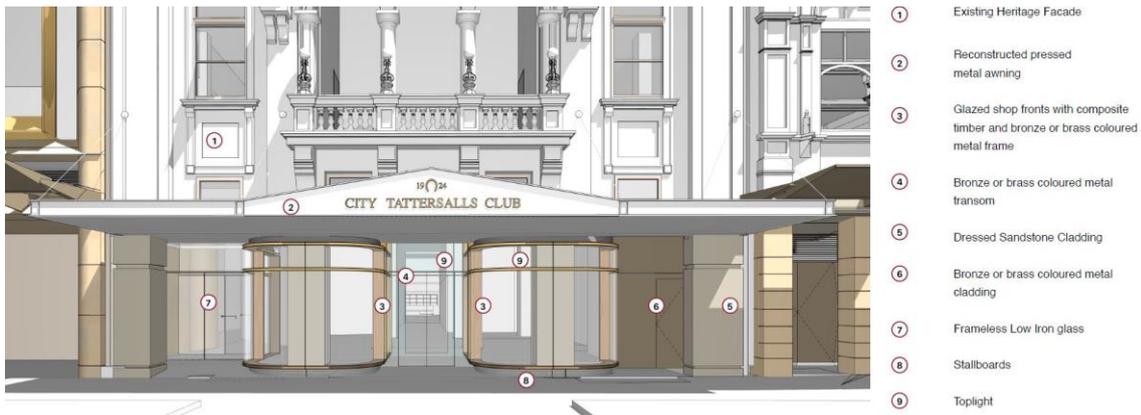


Figure 67: Proposed shopfront and street awning to the building at 198-200 Pitt St

- 133. The buildings at 194 Pitt Street and 202-204 Pitt Street had no street awnings in their original design and configuration. The existing awnings were added after the 1930s and the awning at 202-204 Pitt Street comprises no early fabric or features.
- 134. Although a reconstruction of the 1930s awnings is an option, the proposal seeks to introduce a contemporary awning form to the two buildings, given that the existing awnings are later additions and identified to have little significance within the Conservation Management Plan.
- 135. It is noted the materiality and finishes (consisting of bronze metal or brass) of the proposed contemporary awnings at 194 Pitt Street and 202-204 Pitt Street have been revised to be closely associated with the proposed shopfronts.
- 136. The indicative lightweight and slim awning forms (reduced from that presented in the original application) clearly identifies that the awnings are contemporary additions to the buildings, as depicted in Figure 68 below.



Figure 68: Proposed shopfront and street awning to the building at 202-204 Pitt St

137. The proposed new awnings are of a cantilevered form without tie-back rods above. This design may affect the extant lintel beams above the existing ground level openings. Larger beams, or a modified structural design of the beam and internal first level floor structure, may be needed to accommodate the new cantilevered awning.
138. The potential impact of new awnings on the upper level facade wall and first floor structure behind the awning requires further details, including consideration of reuse of the existing tie-back rods to avoid or minimise any interventions to the heritage facade and structure.
139. Overall, the proposed awnings can provide an appropriate visual relationship with the heritage facades above and proposed shopfronts and building entrances under and are supported by the City's Heritage Specialist.
140. The design study submitted on 19 August was not accompanied by updated architectural elevation, section or detail drawings of the shopfronts and street awnings.
141. In order to ensure that an appropriate outcome is achieved for these elements, conditions are recommended in Attachment A for the submission of final details of the shopfront and street awnings based upon the above-mentioned design study, along with facade type drawings and submission of a materials and samples board to confirm the design quality of the proposal.

Structural design

142. A structural investigation schedule of the retained heritage structures was provided with the amended application submitted to Council on 19 August 2021. It advises that a full investigation, including survey and sampling investigations which require physical works, can be conducted only after the demolition works are commenced.
143. It also suggests that the structure of the new building will be relied on to provide lateral stability of the retained heritage structures. The interface connections between the new structure and retained heritage structures are specified in the report.
144. The report also provides scenarios regarding the need for seismic retrofitting of the retained heritage structure. If it is deemed that the extant heritage structures require major upgrades to meet the current seismic resistance standard, strengthening above the concrete floors and/or an additional core structure located at the back-of-house area on the eastern side of the main Club lounge are identified as options in order to avoid or minimise impacts of retrofitting works on significant heritage spaces.
145. The concept methodology for lowering the basement level ground under the Lower Bar room at 198-200 Pitt Street is provided in the report, as is the design for jacking up the Billiard room at 202-204 Pitt Street.
146. Both methodologies and designs are preliminary and subject to future technical input from specialist contractors. The methodologies need to be further substantiated before implementation.
147. The structural design is therefore considered to be generally acceptable, subject to conditions recommended in Attachment A. These conditions require the further development of the above-mentioned methodologies, and that the structural design for the extant heritage structure is carried out in coordination with the project heritage consultant and submitted to the City for review and approval.

Heritage committee

148. The provisions of Section 3.9.4 of the Sydney DCP 2012 require that for a development a site containing more than one heritage item, a heritage committee should be appointed where a development involves:
- (a) Demolition reducing the building envelope of a heritage item by more than 35%;
 - (b) An increase in size of the building envelope of a heritage item by more than 20%; and
 - (c) Building over more than 20% of a heritage item's building footprint within the airspace above the item, but not within the airspace next to the item.
149. In this instance, a heritage committee is not required to be established for this application in the specific circumstances of the proposal, given:
- (a) A heritage committee was previously established during the assessment of the previous development application D/2015/1214 for the concept redevelopment of the site, which recommended that:
 - (i) A development facilitating the ongoing operation of the City Tattersalls Club on the site is supported; and
 - (ii) The incorporation of a tower form and podium is accepted in principle.
 - (b) There have been extensive pre-development application processes with both the concept and detailed design development applications, including numerous heritage workshops and public consultation, as detailed elsewhere in this report;
 - (c) A competitive design process has been carried out in accordance with the City of Sydney's Competitive Design Policy and undertaken with regard to the Conservation Management Plan and Conservation Strategy for the site;
 - (d) Extensive and detailed documentation has accompanied the application to allow for a robust and thorough assessment of heritage issues, including provision of:
 - (i) An archival recording;
 - (ii) A heritage impact statement;
 - (iii) A heritage interpretation plan;
 - (iv) A schedule of conservation works;
 - (v) An archaeological assessment;
 - (vi) A salvage plan methodology; and
 - (vii) A heritage protection strategy;
 - (e) The appointment of a heritage committee has not been considered necessary and the relaxation of the controls is supported, as the competitive design process and detailed design have demonstrated that the proposal will have an acceptable heritage impact, subject to the range of heritage conditions recommended in Attachment A;

- (f) The City's Heritage Specialist and Urban Design and Heritage Manager consider that there is little benefit in appointing a heritage committee for the proposal, in light of the matters outlined above;
- (g) The relevant objectives of the controls in Sections 1.3 and 3.9 of the Sydney DCP 2012 have been met by the proposed development, in light of the above considerations; and
- (h) A written request is provided with the application pursuant to Section 1.1 of the Sydney DCP 2012 to vary the requirements of Section 3.9.4 of the Sydney DCP 2012 which has been reviewed and is supported by City planning and heritage staff.

Building separation and setbacks

Front setbacks

150. The provision in Section 5.1.2.1(3) of the Sydney DCP 2012 requires the following:

New buildings or additions above a heritage item must have a setback of at least 10m from the street frontage as shown in Figure 5.7 Minimum setback above a heritage item. However, a conservation management plan required as part of the development application may require a greater setback.

151. The proposed development seeks several variations to this control as follows:

- (a) A 7.6 metre setback for balconies at level 6;
- (b) A skylight sitting just below and behind the existing building parapet above level 5 of the building at 198-200 Pitt Street;
- (c) A 2 metre setback for roof plant at level 7 of the building at 194 Pitt Street; and
- (d) A 9.55 metre setback for the curve of the scalloped form of the western tower facade.

152. The proposed variations of the control are acceptable in the specific circumstances of the proposed development, as follows:

- (a) The setback proposed to the level 6 hotel balconies will have minimal visibility from within the streetscape to Pitt Street at ground level;
- (b) The existing building at 198-200 Pitt Street currently has roof top structures which are higher and bulkier than the proposed additional volume of the encroaching roof top additions;
- (c) These structures are proposed to be demolished and replaced with the mid podium. The proposed additions are minor in terms of the visual bulk and scale viewed from Pitt Street;
- (d) Views of these additions will be oblique and from the south only, which will present as a minor extension of the mid podium, with the primary mass of the mid podium aligning with the approved 10 metre setback. No significant views to the heritage items below will be affected by the additions;

- (e) As such, the City's Heritage Specialist has advised that it has a minor but acceptable heritage impact, as it will not have any significant visual impacts on the heritage items below;
- (f) The proposed addition for the skylight above level 5 will not be visible from the street and is obscured by the stepped parapet of the main building facade;
- (g) The City's Heritage Specialist has advised that it has a negligible and therefore acceptable heritage impact, as it will not significantly impact any heritage building fabric;
- (h) The level 7 roof plant above the retained heritage item at 194 Pitt Street will have limited visibility from Pitt Street and Market Street, as depicted in the sightline diagram extracts reproduced in Figure 69 and Figure 70 below;
- (i) Visibility will be limited primarily to an oblique view from the south only, as it is not visible above the parapet from in front of the building. The rooftop plant area has been reduced in height as far as possible (approximately 1.5 metres above the approved envelope) and is setback by 2 metres from the principal facade of the building;
- (j) Views from the south will be mitigated by the plant enclosure's curved shape, the proposed landscape screening and visually recessive materiality. No significant views to the heritage item below will be affected by the addition;
- (k) It is noted that the existing building at 194 Pitt Street currently has a roof top structure which is higher and bulkier than the proposed additional building envelope volume. The proposed building envelope volume addition is minor in terms of its visual bulk and scale as viewed from Pitt Street; and
- (l) The City's Heritage Specialist has advised that it has a minor but acceptable heritage impact, as it will not have any significant visual impacts on the significance of the heritage item below.

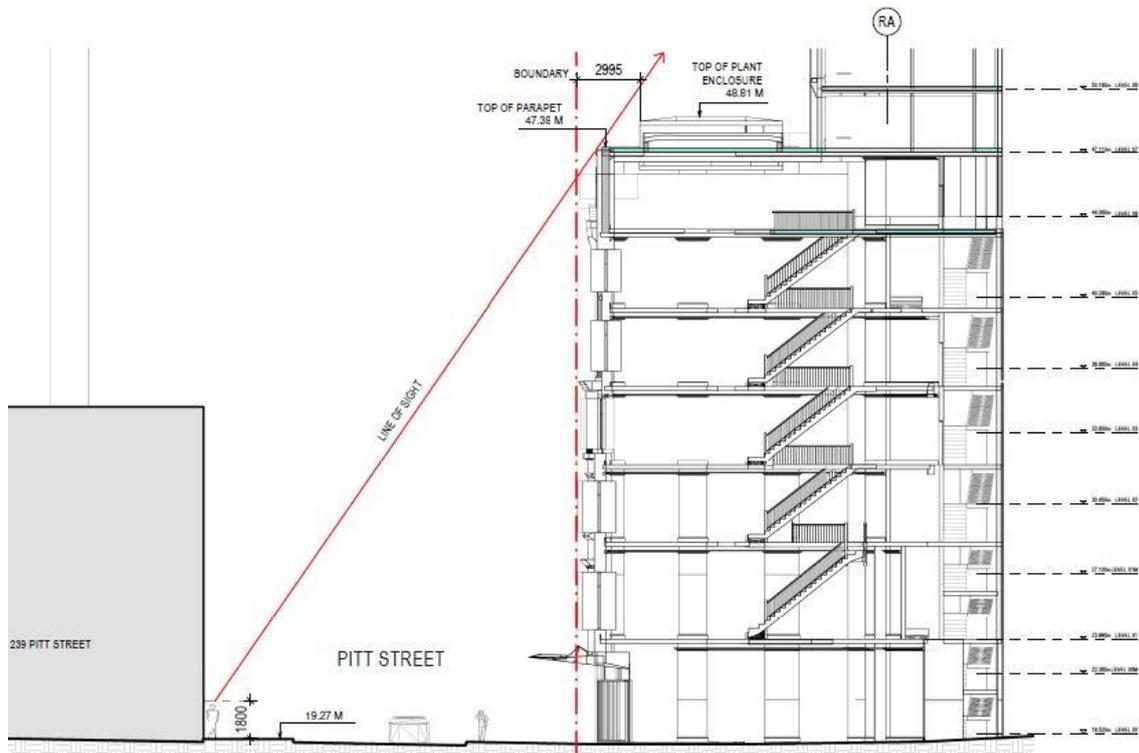


Figure 69: View line diagram from Pitt St to the proposed roof top plant at 194 Pitt St



Figure 70: View line diagram from Market St to the proposed roof top plant at 194 Pitt St

Side and rear setbacks and building separation

153. The provision in Section 5.1.2.2(5) of the Sydney DCP 2012 requires a setback of 12 metres from side and rear boundaries for residential buildings over 45 metres in height, while the controls in the ADG require the following minimum separation distances over 9 storeys (over 25 metres) in height:
- (a) Part 2F requires 24 metres separation between habitable rooms and balconies, 18 metres separation between habitable and non-habitable rooms and 12 metres between non-habitable rooms between buildings;
 - (b) Part 3F require 12 metres building separation between habitable rooms / balconies and 6 metres between non-habitable rooms to side and rear boundaries; and
 - (c) The required building separations in Part 2F and 3F are to be shared equitably between neighbouring sites.
154. The proposed development seeks several variations to these controls as follows:
- (a) A southern tower setback ranging between 10.55 and 11.66 metres; and
 - (b) An eastern tower setback between 11.05 and 11.89 metres.
155. This results in separation for the proposed development of:
- (a) Between approximately 23.8 and 24.4 metres to the approved building facade at 65-77 Market Street;
 - (b) Between approximately 18.1 and 18.5 metres to the approved building core facade at 65-77 Market Street;
 - (c) Approximately 19.5 metres to the Stockland Tower at 133-145 Castlereagh Street to the south-east, noting that the proposal is set back by approximately 16.7 metres from the south-eastern corner of the site;
 - (d) Approximately 42 metres to the Stockland Piccadilly Centre at 133-145 Castlereagh Street to the south;
 - (e) Approximately 33.5 metres to the Mirvac commercial tower at 55 Market Street to the west; and
 - (f) Approximately 56 metres to the Sydney Tower at 188 Pitt Street to the north.
156. These separation distances are depicted in Figure 71, Figure 72, Figure 73, Figure 74 and Figure 75 below.

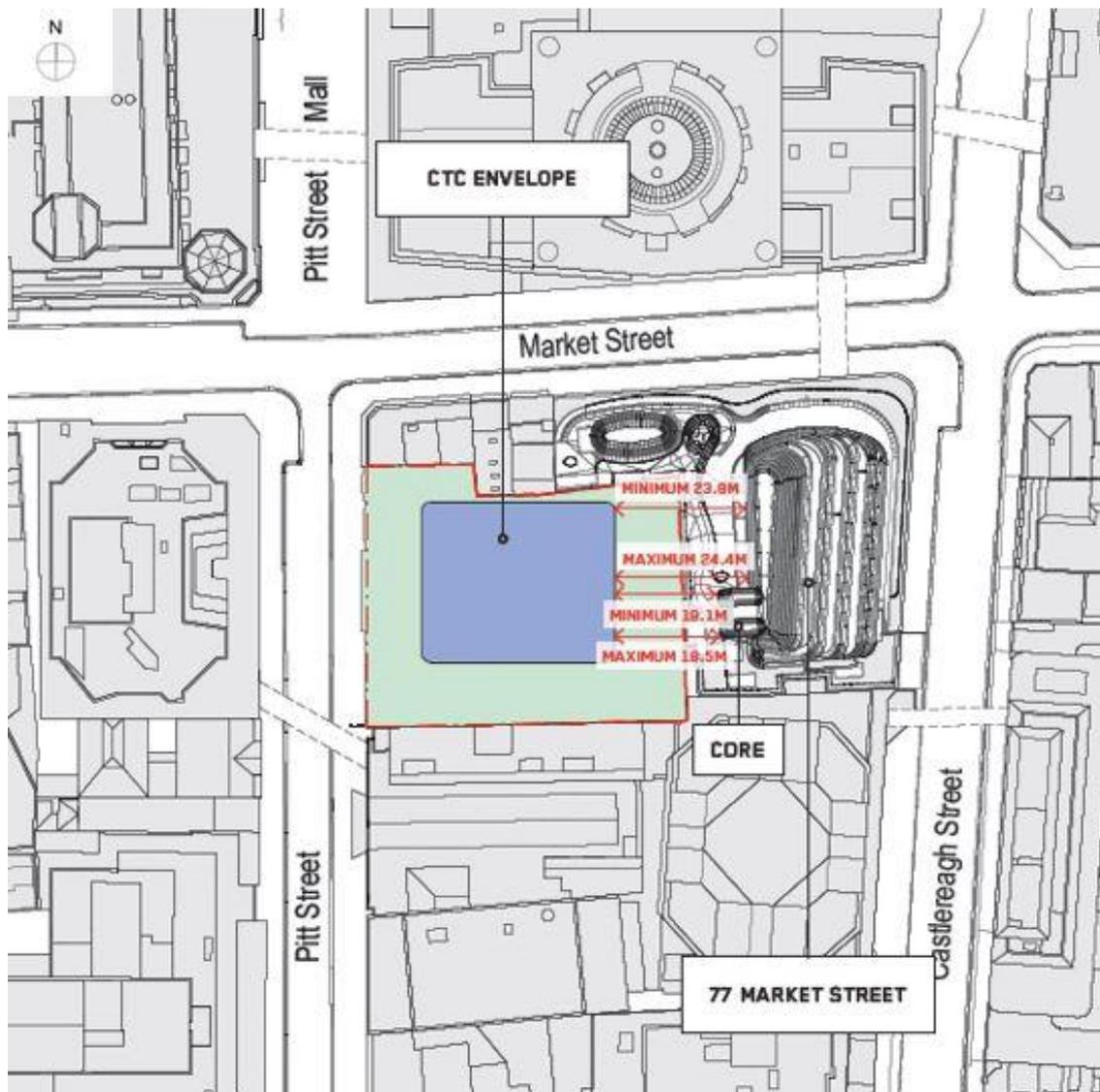


Figure 71: Site plan extract demonstrating separation distances between the proposed tower (in blue) and the approved development at 65-77 Market St

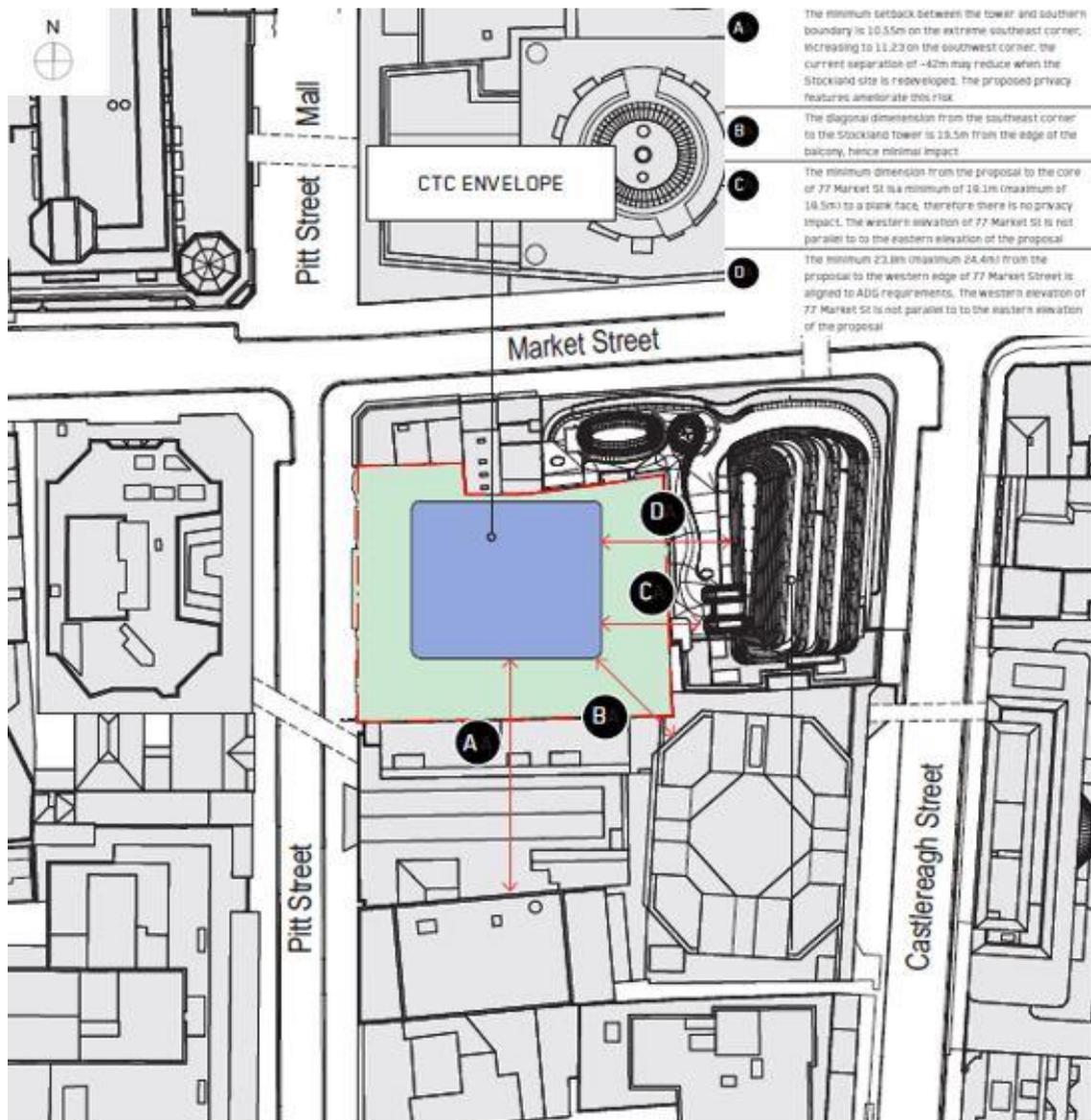


Figure 72: Site plan extract demonstrating separation distances between the proposed tower (in blue) and surrounding development to the south and east

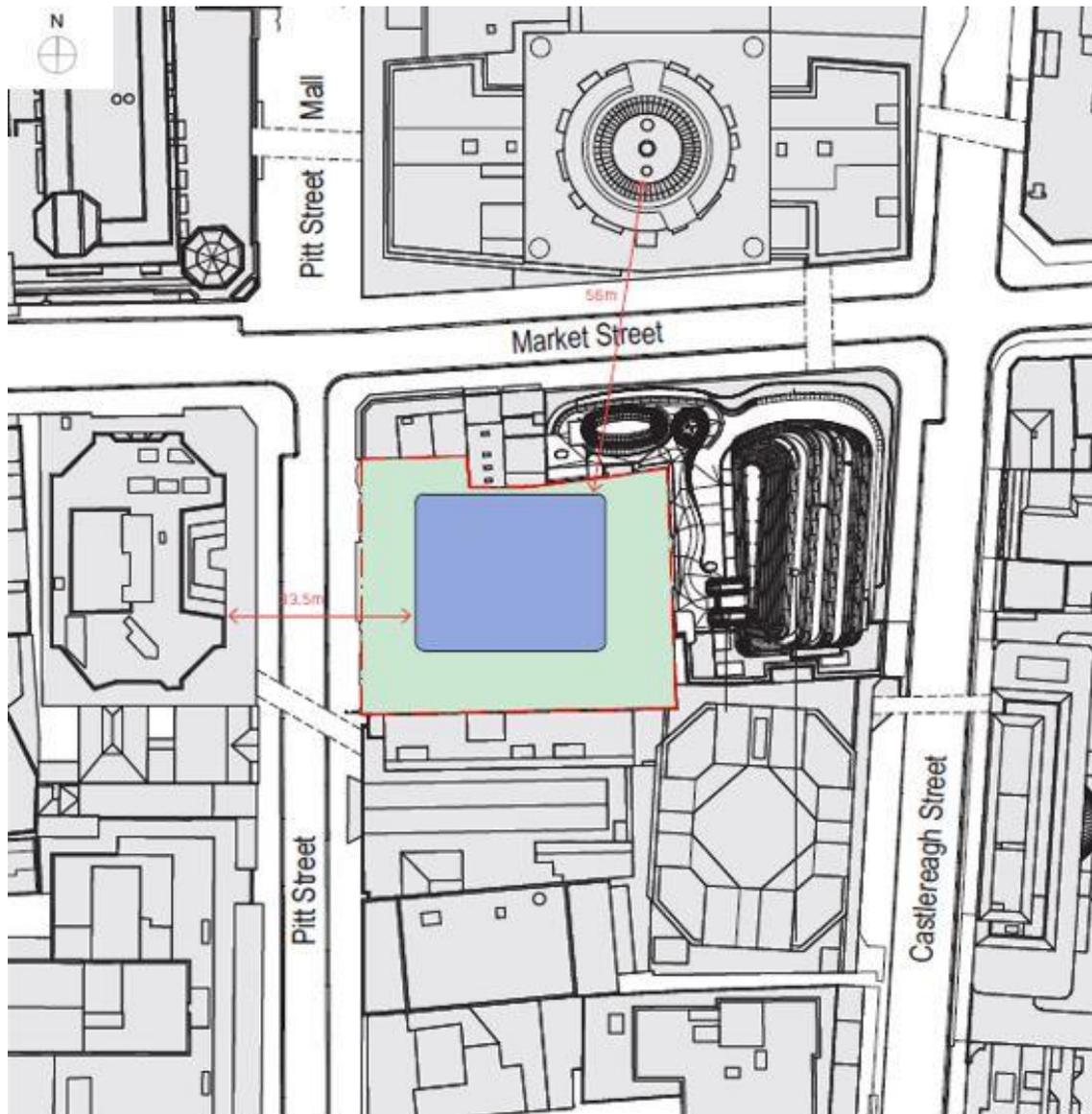


Figure 73: Site plan extract demonstrating separation distances between the proposed tower (in blue) and surrounding development to the north and west

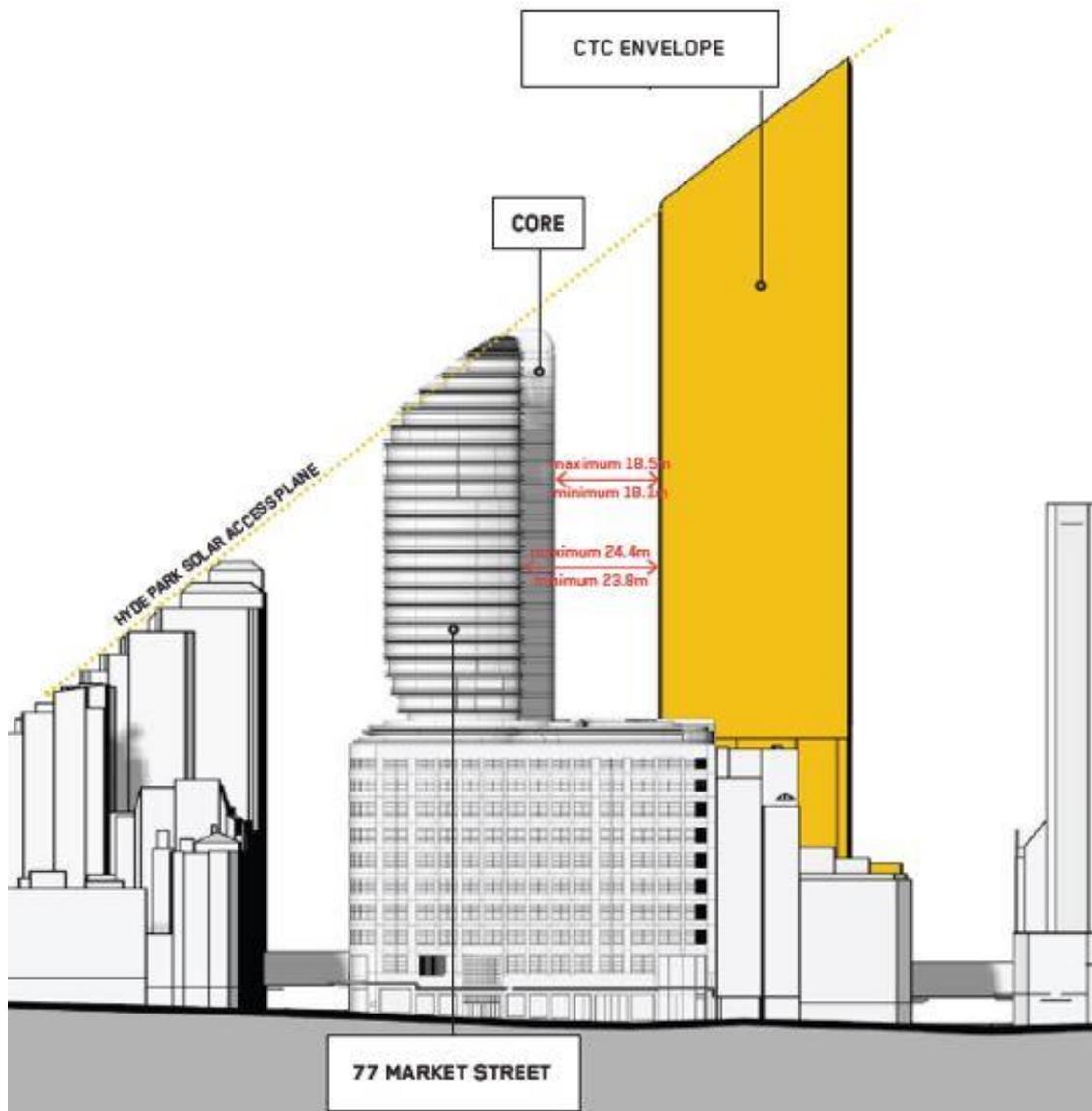


Figure 74: Northern (Market Street) elevation extract demonstrating separation distances between the proposed tower (in yellow) and the approved development at 65-77 Market St

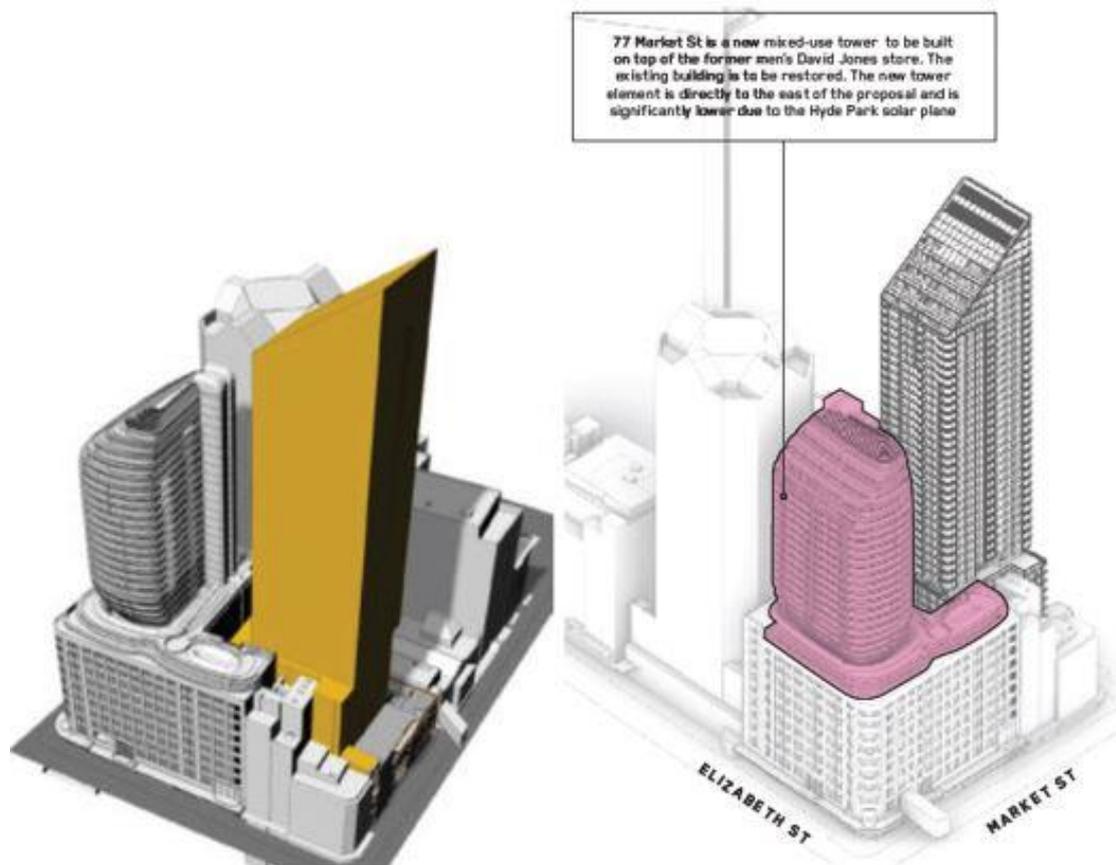


Figure 75: Axonometric diagram extract (left) and axonometric diagram extract (right) demonstrating separation distances between the modified tower envelope (in yellow) and the approved development at 65-77 Market St (pink)

157. The proposed variations of the controls relating to setbacks and building separation are acceptable in the specific circumstances of the proposed development, as follows:
- (a) The proposed non-compliance of between 0.34 and 1.45 metres to the southern boundary is minor and acceptable, in light of the site's dense Central Business District environment and the absence of residential development on the site to the south in the Stockland Piccadilly Centre at 133-145 Castlereagh Street;
 - (b) The proposed non-compliance of between 0.11 and 0.95 metres to the eastern boundary is minor and acceptable, in light of the site's dense Central Business District environment and adequate privacy between the neighbouring residential apartments is maintained as follows:
 - (i) A total separation distance between 23.08 and 24.08 metres is achieved between habitable rooms, which represents a maximum 3.8% variation to the 24 metre separation requirement, which is not expected to give rise to any significantly adverse privacy issues; and

- (ii) The proposal incorporates several design measures which provide additional privacy for future occupants, including:
 - i. A 0.5 metre solid spandrel above floor level to reduce the ability to see individual apartments from apartments underneath;
 - ii. Horizontal blades 2.7 metres above floor level on the south and east facades to minimise overlooking from neighbouring apartments; and
 - iii. A series of adjustable perforated sliding panels to bedrooms on the south and east facade as depicted in Figure 52 and Figure 53 above.
- 158. The variation of the controls with respect to the northern boundary is also considered to be acceptable, for the following reasons:
 - (a) A new site boundary survey was carried out in 2020 which demonstrated a maximum 98mm difference from the previous boundary survey carried out in 2014 and used for development consent D/2018/1246;
 - (b) The irregular northern boundary of the site resulted in an irregular podium and tower setback, with parts of the hotel levels proposed to be built to the boundary, with other parts setback from the boundary to provide for hotel rooms with north-facing windows;
 - (c) The reduced setbacks are a result of the positioning of the building core, which was informed by heritage considerations;
 - (d) Specifically, the existing building at 202-204 Pitt Street is the most significant of the existing buildings on the site, so the positioning of the tower further north was necessary to avoid any structural intervention into 202-204 Pitt Street; and
 - (e) The positioning of the tower further north allows a reasonably sized podium and tower floorplate to be achieved, while providing substantial setbacks from the southern and eastern boundaries.
- 159. The applicant also submits that the variance sought is also justified in view of the fact that the properties to the north at 192-192A Pitt Street and 61-63 Market Street do not have any significant development potential, given that they are either:
 - (a) Too small; and/or
 - (b) Constrained by a heritage listing.
- 160. Furthermore, it is posited that the recent detailed design development consent for 65-77 Market Street (being the former David Jones Market Street site) confines the new tower form to the eastern portion of that site.
- 161. A review of the survey plans submitted with the application demonstrates that the existing building at 61-63 Market Street has not been constructed to its maximum potential.

162. The existing building has 13 storeys with a maximum height of RL 66.90 (AHD). Under the currently applicable height controls, including Clause 6.16 of the Sydney LEP 2012, it has the potential to be redeveloped to a height of 55 metres, or RL 74.37(AHD). This is 7.5 metres higher than the current height.
163. This would allow for the construction of at least 2 additional storeys, leaving aside any potential for an additional 10% height bonus available under Clause 6.21(7) of the Sydney LEP 2012.
164. The proposal provides for an appropriate response to the potential development of this site through:
- (a) Landscape treatments along the northern edge of the level 14 communal open space and separation relationship as detailed in Figure 76 and Figure 77 below; and
 - (b) Solid northern side walls to the communal facilities and apartments at levels 14 and 15, with primary apartment orientation and windows facing east and west.
165. These treatments have been designed accordance with the requirements of part (d) of condition (9) 'Detailed Design of Buildings' of the concept development consent D/2018/1246, which required that residential apartments address the eastern and western boundaries of the site at levels 14 and 15.
166. The variation of the control is therefore considered acceptable regarding this aspect of the proposed development.

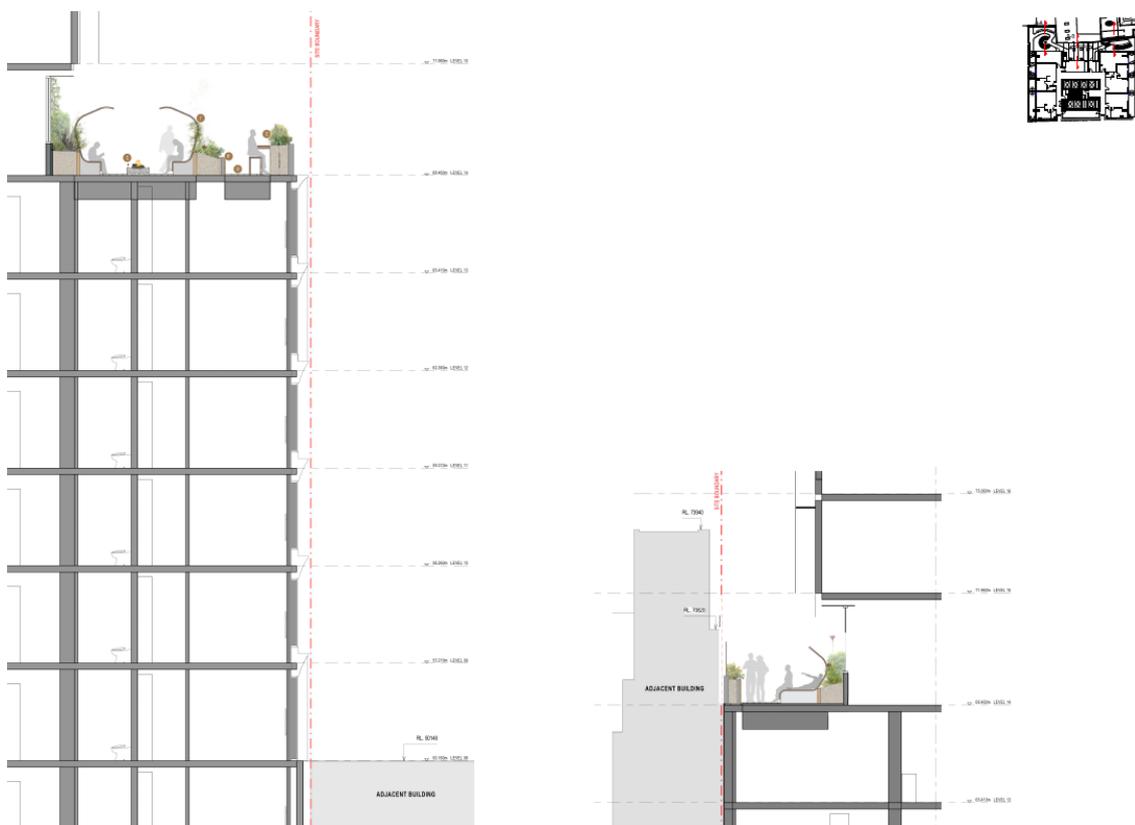


Figure 76: Section drawings indicating relationship with existing development to the north along Market St

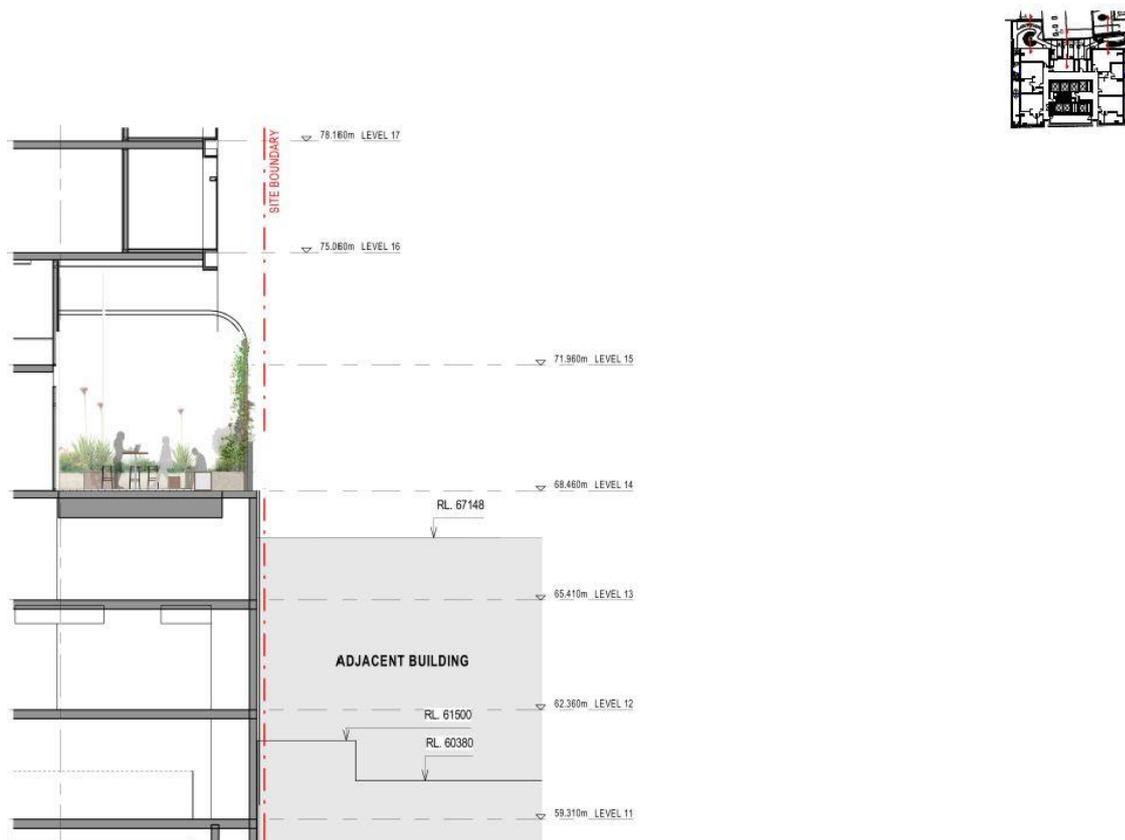


Figure 77: Section drawing indicating relationship with existing development to the north along Market St

Draft Planning Controls

Planning Proposal: Central Sydney 2020

167. 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 Parliamentary Counsel's Office. This will be achieved by a range of amendments to the Sydney LEP 2012.
168. 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.

169. The proposed development is consistent with these new objectives, as it will provide an appropriate level of activation to Pitt Street, in addition to providing for a range of commercial, cultural and social opportunities and employment generating uses on the site.
170. 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.
171. 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.
172. This place is identified as the location of the future Town Hall square, as indicated in Figure 78 below.

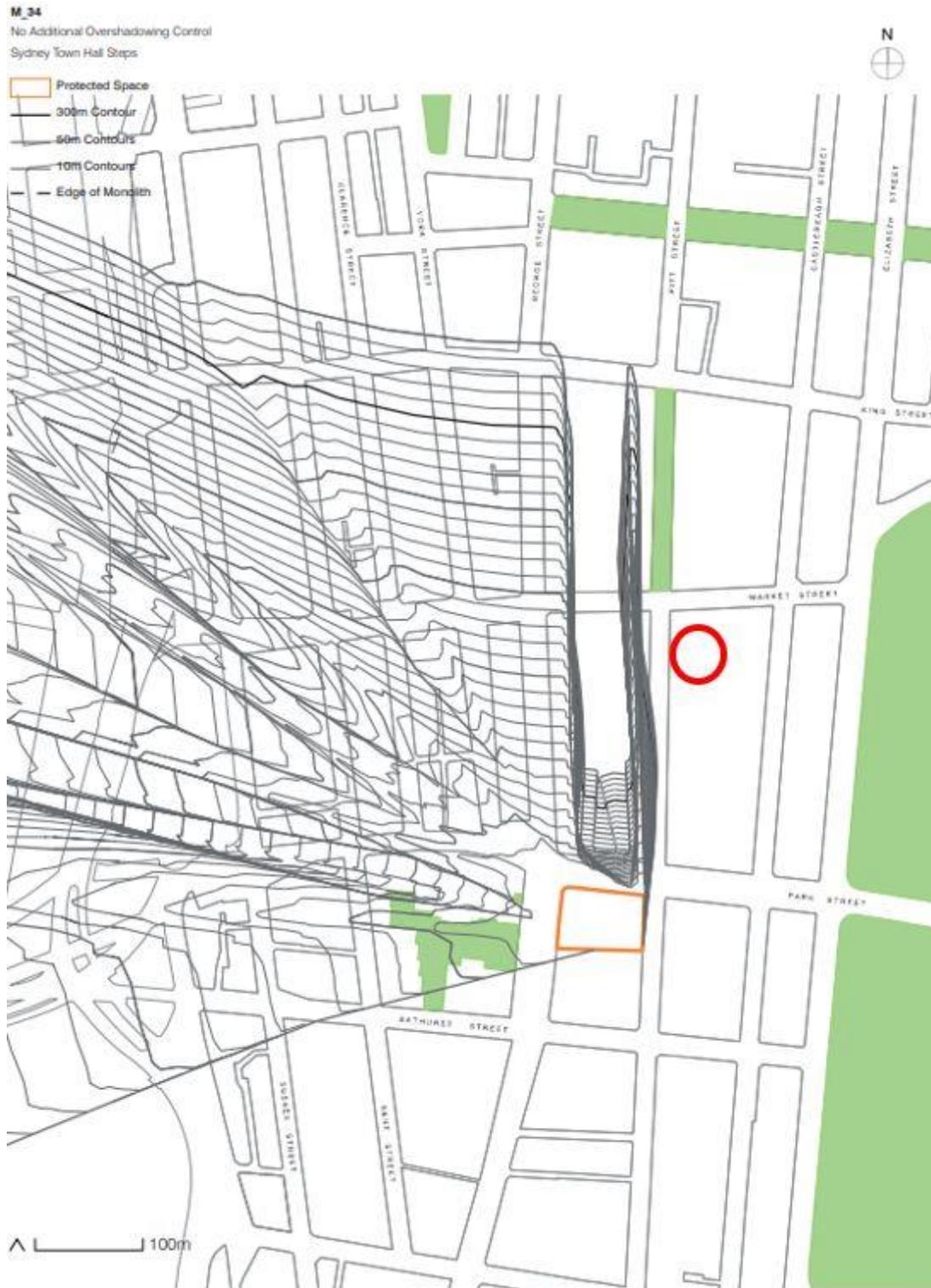


Figure 78: Extract from Appendix M of the Draft Central Sydney Planning Strategy 2016-2036, showing the extent of the Future Town Hall Square sun access protection contours, with the approximate site location noted circled in red

- 173. Shadow diagrams accompanied the application demonstrating no additional overshadowing of the future Town Hall square in accordance with the draft controls.

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

174. The Planning Proposal: Central Sydney 2020 also incorporates proposed amendments to the Sydney DCP 2012. The amendments relevant to the proposed development include built form and related controls for Central Sydney, including those relating to:
- (a) Street frontage heights;
 - (b) Street, side and rear setbacks;
 - (c) Building form separations;
 - (d) Built form massing, tapering and maximum dimensions;
 - (e) Development outlook and amenity; and
 - (f) Building exteriors.
175. With regard to the amended built form and related controls for Central Sydney, the proposed development:
- (a) Does not fully comply with the street frontage height, setback and separation provisions but remains acceptable for the reasons outlined under the Discussion heading above;
 - (b) Is generally acceptable with regard to the built form massing, tapering and maximum dimensions controls;
 - (c) Provides acceptable outlook and amenity from and to the proposed land uses;
 - (d) Provides a high quality architectural design, including its articulation, materials and finishes;
 - (e) Does not result in any overshadowing of the future Town Hall Square after 12pm; and
 - (f) Does not result in any significantly adverse wind effects on the surrounding public domain or within the development.

Other Impacts of the Development

176. The proposed development can comply with the Building Code of Australia.
177. 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

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

Consultation

Internal Referrals

180. The application was referred to, or discussed with the following panel, Council units and City officers:
- (a) Design Advisory Panel (DAP);
 - (b) City Access and Transport Unit;
 - (c) Cleansing and Waste Unit;
 - (d) Construction and Building Services Unit;
 - (e) Environmental Projects Unit;
 - (f) Health and Building Unit;
 - (g) Heritage and Urban Design Unit;
 - (h) Landscape Assessment Officer;
 - (i) Model Unit;
 - (j) Public Art Unit;
 - (k) Public Domain Unit;
 - (l) Specialist Surveyor; and
 - (m) Tree Management Unit
181. These panels, units and officers generally advised that the proposal is acceptable, subject to conditions.
182. Where appropriate, these conditions have been included in Attachment A. Comments provided by the DAP have been addressed elsewhere in this report.
183. Where concerns were raised with the proposed development, these matters are either addressed in the table sections provided throughout the body of this assessment report or outlined in detail under the Discussion heading above.

External Referrals

Ausgrid

184. Pursuant to Clause 45 of the Infrastructure SEPP, the application was referred to Ausgrid for comment.
185. A response was received from Ausgrid, raising no objections to the proposed development, subject to a condition which is included in Attachment A.

New South Wales Police Force

186. The application was referred to the New South Wales Police Force for comment.
187. No response was received by the City.

Sydney Airport

188. Section 182 of the Airports Act, 1996 (Cth) specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a 'controlled activity'.
189. Clause 6(1) of the Civil Aviation (Building Control) Regulations 1988 identify that 'prescribed airspace' includes 'the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport'.
190. The Outer Horizontal Surface of the OLS above the subject site is at a height of 156 metres above the Australian Height Datum (AHD) and the prescribed airspace above the site commences at RL156 AHD. At a maximum proposed height of RL 186.158 AHD, the building will penetrate the OLS by 31.761 metres and any construction of a building to this height constitutes a 'controlled activity'.
191. Section 183 of the Airports Act, 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted.
192. Clause 14 of the Civil Aviation (Building Control) Regulations 1988 provides that a proposal to carry out a controlled activity must be approved unless carrying out the controlled activity interferes with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned. Clause 14(1)(b) provides that an approval may be granted subject to conditions.
193. Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities and impose conditions on the approval. The Director, Demand Management and Protection of Airspace, Aviation and Airports, as the delegate of the Secretary for the purposes of the Regulations, provided approval for the controlled activity.

Sydney Metro

194. Pursuant to Section 86 of the Infrastructure SEPP, the application was referred to Sydney Metro.
195. A response was received from Sydney Metro, raising no objections to the proposed development, subject to conditions which are included in Attachment A.

Sydney Trains

196. Pursuant to Section 85 of the Infrastructure SEPP, the application was referred to Sydney Trains.
197. A response was received from Sydney Trains, raising no objections to the proposed development, subject to conditions which are included in Attachment A.

Transport for New South Wales

198. Pursuant to Section 51N of the City of Sydney Act, 1988, the application was referred to Transport for New South Wales, as delegate for the Central Sydney Traffic and Transport Committee (CSTTC), for comment.
199. A response received from Transport for New South Wales, raising no objections to the proposed development, subject to conditions which are included in Attachment A.

Ventilation Consultant

200. The application was referred to a ventilation consultant for a peer review of the proposed plenum system.
201. A response was received by the City, raising no objections to the proposed development, subject to a condition relating to the plenum system which is included in Attachment A.

Advertising and Notification

202. The application was placed on public exhibition for a period between 18 March 2021 and 16 April 2021, in accordance with the City of Sydney Community Participation Plan 2020.
203. The amended application received by the City on 19 August 2021 was not required to be placed on public exhibition under the City of Sydney Community Participation Plan 2020, given the amendments do not result in significant additional environmental impacts.
204. A total of 326 properties were notified and one submission was received by the City in response.
205. The concerns raised in the submission are summarised and addressed below.
 - (a) **Issue:** Variations to the approved concept building envelope reduce its eastern setbacks which have a direct interface with the approved residential tower at 65-77 Market Street.

Response: The proposed variations to the eastern setbacks of the approved concept building envelope have been assessed as being acceptable and are supported in the concurrent Section 4.55(2) modification application D/2018/1246/A CSPC report. This application is recommended for approval by the CSPC.

- (b) **Issue:** A matrix clearly highlighting the proposed variations to the building envelope and justification for the variations is recommended.

Response: The application drawings, accompanying documentation and written justification submitted with the concurrent Section 4.55(2) modification application D/2018/1246/A are sufficient to allow for an assessment of the potential for environmental impacts of the proposed amendments, in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979.

- (c) **Issue:** Elevational shadow diagrams demonstrating no additional overshadowing to the approved development at 65-77 Market Street are recommended

Response: Sun's eye view diagrams and shadow diagrams have been submitted with the subject detailed design development application, which demonstrate that overshadowing resulting from the development accords with the relevant provisions of the applicable planning controls, including SEPP 65 and the ADG as discussed elsewhere in this report.

- (d) **Issue:** The proposed development should achieve Objective 3F-1 of the ADG relating to visual privacy or provide adequate justification for the variation of the relevant design criteria, demonstrating that impacts are negligible.

Response: As discussed elsewhere in this report, the proposed variations of the applicable design criteria under Objective 3F-1 of the ADG are minor in nature. Further, the design has incorporated a range of measures to address visual privacy between the proposed development and the approved development at 65-77 Market Street. The proposal is considered to achieve Objective 3F-1 of the ADG in this respect.

- (e) **Issue:** The competition jury comments in relation to visual privacy have not been fully resolved in the design and it is recommended that a cross view analysis between the site and 65-77 Market Street is undertaken with respect to privacy between apartments to determine whether further privacy measures are required.

Response: The competition jury advice has been adequately addressed by the proposal with regard to visual privacy, as outlined under the Discussion heading above.

Sufficient information has been submitted with the subject detailed design development application to allow for an assessment of visual privacy between the proposal and the approved development at 65-77 Market Street in accordance with the relevant provisions of SEPP 65 and the ADG.

- (f) **Issue:** Concern is raised in relation to internal perforated sliding panels, which are reliant on occupants, does not consider the privacy of occupants of 65-77 Market Street and may be removed in the longer term by future owners.

Response: The proposed screens are an acceptable supplement to the visual privacy achieved by generally compliant separation distances between the proposal and the approved development at 65-77 Market Street. No further privacy measures are warranted in the specific circumstances of the proposed development.

Public Interest

206. The proposal will have no significant detrimental effect on the public interest, subject to the recommended conditions in Attachment A.

Financial Contributions

Levy under Section 61 of the City of Sydney Act 1988

207. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under Section 61 of City of Sydney Act, 1988 and the Central Sydney Development Contributions Plan 2013.
208. A condition relating to this levy has been recommended in Attachment A. The condition requires that the contribution be paid prior to the issue of any construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

209. The site is located on land within Central Sydney and involves:
- (a) The creation of more than 100 square metres of gross floor area;
 - (b) The demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area; and
 - (c) A change of use of existing floor area from other than residential accommodation to residential accommodation or tourist and visitor accommodation.
210. Section 7.13 of the Sydney LEP 2012 applies to the proposed development.
211. Subclause (2C) of this section requires that the affordable housing levy contribution for development on land at Central Sydney is as follows:
- (a) For development applications lodged before 1 July 2022:
 - (i) 1.5% of the total floor area of the development that is intended to be used for residential purposes; and
 - (ii) 0.5% of the total floor area of the development that is not intended to be used for residential purposes.
212. Subclause (4)(b) requires the contribution to be calculated in accordance with the City of Sydney Affordable Housing Program. The program requires contributions to be calculated only for development applications lodged after 1 July 2021 and the subject application, which was lodged prior to this date on 11 March 2021, is therefore not subject to a Section 7.13 contribution.

Relevant Legislation

- 213. Environmental Planning and Assessment Act, 1979.
- 214. Roads Act, 1993
- 215. Sydney Water Act, 1994
- 216. Airports Act, 1996 (Cth)

Conclusion

- 217. The application seeks consent for the detailed design of the redevelopment of the City Tattersall's Club, comprising the construction of a new mixed use development to a maximum height of RL 186.158 AHD, with hotel, retail, office, residential and club land uses in a 50 storey podium and tower.
- 218. This will include 101 hotel rooms, 241 apartments, demolition of the building at 196 Pitt Street, alterations and additions and conservation works to the heritage buildings at 194 and 198-204 Pitt Street, excavation for 5 basement levels and service vehicle access to Pitt Street.
- 219. The proposal will be consistent with the concept development consent, as proposed to be amended by D/2018/1246/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- 220. The proposed development complies with key development standards applicable to the site, including the Hyde Park West Sun Access Plane and the maximum Floor Space Ratio (FSR), under Clauses 6.17, 4.4 and 6.4 of the Sydney LEP 2012 respectively.
- 221. The proposal will conserve the heritage significance of the former Symonds building and the City Tattersall's Club buildings in accordance with Clause 5.10 of the Sydney LEP 2012.
- 222. The proposal is generally consistent with other applicable planning provisions including SEPP 65, the ADG, the Sydney LEP 2012 and the Sydney DCP 2012. Proposed variations to controls have been assessed as having merit in this case and are addressed in the report. Conditions are recommended to address non-compliances where appropriate.
- 223. The development does not pose any 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.
- 224. The proposal will provide for new residential, hotel accommodation, registered club and retail premises land uses on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.

225. 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.
226. The proposed detailed design of the development is therefore in the public interest and is recommended for approval by the CSPC.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Reynolds, Senior Planner