

**Item 3.**

**Development Application: 49A-57 Pitt Street, Sydney and 5010 Dalley Street, Sydney - D/2021/1325**

**File No.:** D/2021/1325

**Summary**

<b>Date of Submission:</b>	18 November 2021
<b>Applicant:</b>	Mirvac Commercial Sub PRV Pty Limited
<b>Designer:</b>	Traditional Hoardings and CJ Arms
<b>Developer:</b>	Mirvac
<b>Owner:</b>	Mirvac Commercial Sub PRV Pty Limited and City of Sydney Council
<b>Planning Consultant:</b>	Ethos Urban
<b>Cost of Works:</b>	\$467,304.20
<b>Zoning:</b>	The site is in the B8 metropolitan centre zone. The proposed temporary use of the public domain for a construction hoarding to facilitate the construction of a commercial development is permitted with consent.
<b>Proposal Summary:</b>	<p>The development application seeks consent for the temporary use of Dalley Street for the erection of protective hoarding and scaffolding for associated demolition and construction works for the approved and proposed development at 55 Pitt Street, Sydney.</p> <p>The proposed construction hoarding is classified as a Type B structure in accordance with the City of Sydney Guidelines for Hoardings and Scaffolding 2017 and is proposed to be located along approximately 35m of the eastern portion of Dalley Street. The hoarding will span over the roadway and footpaths on both sides of Dalley Street and is proposed to include site sheds above, maximising the usability of the hoarding given the constrained conditions of the 55 Pitt Street site.</p> <p>The protective hoarding will have a maximum clear head height of 5.3m when measured from the roadway.</p>

The application is referred to the Local Planning Panel in accordance with Schedule 3 of the Local Planning Panels Direction dated 30 June 2020 as Council is the landowner of Dalley Street, the public roadway where the development is proposed.

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

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2000
- (iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012
- (vi) City of Sydney Development Contributions Plan 2012
- (vii) City of Sydney Hoardings and Scaffolding Policy 2017 and Guidelines

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2021/1325 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 development complies with the objectives of the B8 metropolitan centre zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (C) The proposed development will have an acceptable impact on the local road and pedestrian network within Central Sydney.
- (D) The temporary use is not considered to adversely impact on any adjoining land or the amenity of the neighbourhood, subject to conditions.
- (E) The development is capable of complying with the relevant provisions of the Hoardings and Scaffoldings Policy 2017 and Guidelines, subject to separate approval under the Local Government Act 1993 and Roads Act 1993.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 513109 known at 49A-57 Pitt Street, Sydney and street section 5010 Dalley Street. The site at 49A-57 Pitt Street forms part of a larger redevelopment site including site at 37-49 Pitt Street, 6-8 Underwood Street, 6 Dalley Street and 8-14 Dalley Street and is informally known at 55 Pitt Street, Sydney and also known as block 5 in the APDG block.
2. The broader 55 Pitt Street development site is irregular in shape with area of approximately 2,439.7sqm. It has a primary street frontage of 67m to Pitt Street to the east, 56m to Underwood Street to the north and a secondary street frontage of 24m to Dalley Street to the south. The site is located close to the intersection of Pitt Street and Bridge Street.
3. In addition to 49A-57 Pitt Street the broader site contains three commercial buildings ranging in height between 10-13 storeys, two utility buildings and basement level parking (including a public car park). 6-8 Underwood Street is a 10-storey commercial office building, 37-49 Pitt Street is a 12-storey commercial office building and contains vehicle access to basement parking and 49A-57 Pitt Street is a 13-storey commercial office building. These buildings are approved for demolition. 6 Dalley Street is currently used by Telstra as a telecommunications facility and 8-14 Dalley Street is an Ausgrid substation. A public laneway known as Queens Court is also located to the west of 49A-57 Pitt Street and provides vehicle access to the commercial buildings and basement parking.
4. The surrounding area is characterised by a mixture of land uses, primarily being commercial office, retail, food and drink uses and tourist and visitor accommodation. Directly to the north of the site at 33-35 Pitt Street, a 55-storey commercial tower development is currently under construction. Further north of the site, a new hotel and residential development are currently construction. To the east of the site across Pitt Street is a mix of commercial and retail developments of various sizes. This includes the Marriot Hotel, which is adjoined to the south by a 16-storey commercial building on the corner of Pitt Street and Bridge Street and 'Gateway Sydney' to the north, on the corner of Pitt Street and Alfred Street.
5. To the south of the site, across Dalley Street is the Australian Stock Exchange (ASX), a mid-rise building of up to 13 storeys with frontages to both Dalley Street and Pitt Street.
6. To the immediate west is the Ausgrid and Telstra utility buildings contained within the broader 55 Pitt Street site. Further to the west across Underwood Street is 4 Dalley Street, a low scale functioning utility/infrastructure building associated with the commercial tower at 200 George Street. Further to the west is the EY Centre at 200 George Street and a new 110-metre commercial building at 210-220 George Street which is currently under construction.
7. The existing commercial buildings within the site are not identified as heritage items, however, 49A-57 Pitt Street is a building over 50 years old. The site is also located adjacent to the State Heritage listed Tank Stream, located beneath Pitt Street. and several heritage items located directly opposite the site to the east.

8. Photos of the site and surrounding development are provided below.



Figure 1: Aerial view of site and surrounds



**Figure 2:** Site viewed from the corner of Pitt Street and Dalley Street



**Figure 3:** Site viewed from Dalley Street

## History Relevant to the Development Application

### Development Applications

9. On 22 October 2021, amendments to Sydney LEP 2012 (Clause 6.25) and Sydney DCP 2012 (Section 6.1.4) under planning proposal PP\_2020\_SYDNEY\_003 were gazetted to include amended provisions for the development site. The amended planning controls will facilitate the renewal of block 5 in the APDG block, consisting of the following key components:
  - (a) a 70,000 square metre commercial office tower up to 232m in height, with a 45m high podium;
  - (b) creation of a through-site link widening and connecting Queens Court to Underwood Street;
  - (c) a retail activated pedestrian colonnade along Underwood Street to improve pedestrian connections; and
  - (d) upgrades to facades and roof of the adjoining Ausgrid substation building and facade upgrade and new retail spaces to the Telstra exchange building.

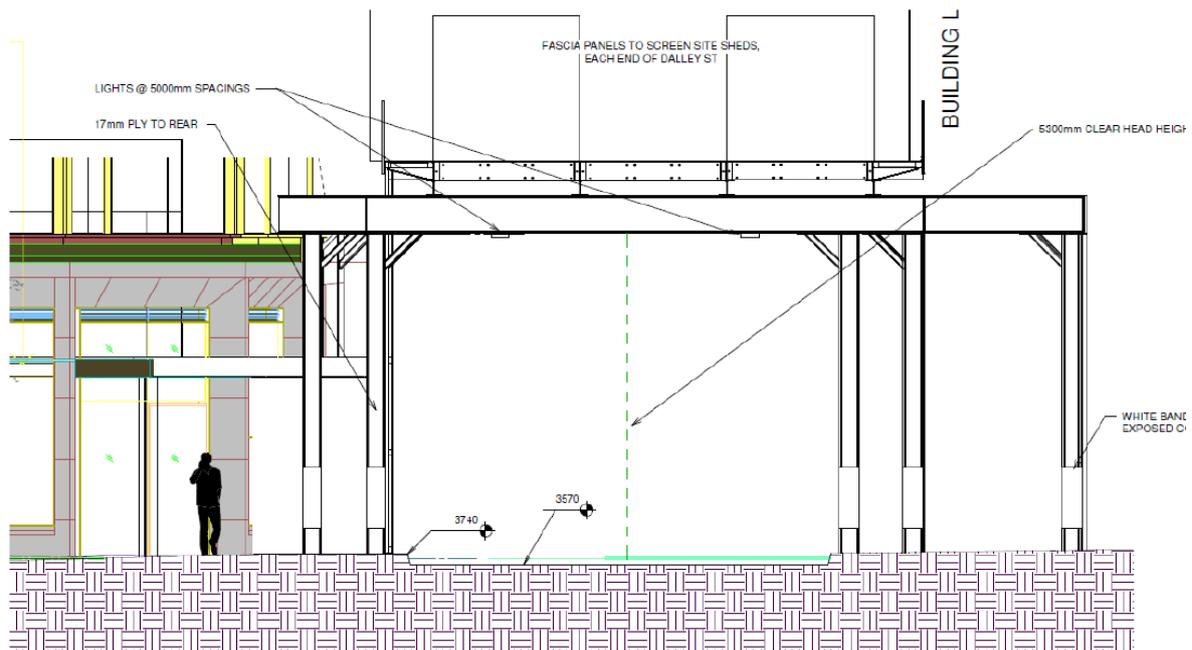
10. The amendments to the development standards will facilitate the redevelopment of 55 Pitt Street (37-49 Pitt, 49A-57 Pitt Street, 6-8 Underwood Street, 6 Dalley Street and 8-14 Dalley Street), the remaining parcels of land in the APDG block, to allow for a new commercial office tower while retaining essential utility buildings and delivering public domain improvements such as connections to the wider pedestrian laneway network envisaged under the original APDG controls. Council and the Central Sydney Planning Committee approved the planning proposal for public exhibition and Gateway request in May 2020.
11. Accompanying the Planning Proposal was a draft Development Control Plan that provides further guidance for development of the site consistent with the approved amendments to the LEP. The DCP provisions include:
  - (a) building form and external appearance;
  - (b) tower location;
  - (c) setbacks;
  - (d) street frontage heights;
  - (e) environmental impacts;
  - (f) vehicular access;
  - (g) design excellence; and
  - (h) environmentally sustainable development targets.
12. A voluntary planning agreement was prepared and exhibited concurrently with the planning proposal and draft DCP. The public benefits that will be delivered are:
  - (a) monetary contribution to community infrastructure in Central Sydney;
  - (b) monetary contribution to affordable housing in the local government area;
  - (c) provision of public art on the site;
  - (d) dedication of land for footpath widening on Underwood Street;
  - (e) construction of the Underwood Street footpath widening; the through-site link incorporating Queens Court; improvements to the colonnade of the Telstra building and public art to the through-site link (if required);
  - (f) creation of public access easements for the Telstra colonnade and the through-site link; and
  - (g) ecologically sustainable development targets:
    - (i) minimum 6 star Office Green Star v1.3 Design and Construct rating;
    - (ii) minimum 5.5 star rating on operation under the NABERS energy scheme; and
    - (iii) minimum 4-star rating in operation under the NABERS water scheme.

13. In late 2020 and early 2021, the proponent invited six architectural firms to respond to a design brief as part of an International Architectural Design Excellence Competition. The purpose of this design competition was to select the scheme that exhibited the highest quality architectural, landscape and urban design solution of the site in response to the competition brief. On 16 February 2021, the Woods Bagot and SHoP Architects scheme was recommended by the Design Competition Jury as the winning scheme to develop the detailed proposal.
14. Following the competition, development applications D/2021/428 and D/2021/665 were lodged for the demolition of the existing commercial buildings and the construction of the new tower development. Development Application D/2021/428 was granted consent on 27 October 2021 for the demolition of the existing commercial office buildings and site establishment works.
15. Development application D/2021/665 is currently under assessment and proposes the following:
  - (a) excavation for new basement parking, loading and services;
  - (b) construction of new 55-storey commercial tower to RL 240.8 with podium at RL 46.1;
  - (c) extension of Queens Court to north Underwood Street and widening of through-site link and other public domain upgrades;
  - (d) improvements to Telstra and Ausgrid building facades; and
  - (e) provision of public art.

### **Proposed Development**

16. The application seeks consent for a Type B temporary protective construction hoarding along Dalley Street to allow for continued pedestrian and vehicle safety during the demolition and construction phases of the 55 Pitt Street project.
17. The proposed hoarding will be located along approximately 35m of the eastern portion of Dalley Street. The hoarding will span over roadway and footpaths on both sides of Dalley Street and is proposed to include site sheds above, maximising the usability of the hoarding given the constrained conditions of the broader 55 Pitt Street site. The protective hoarding will have a maximum clear head height of 5300mm when measured from the roadway.
18. The proposed hoarding will be in place on Dalley Street for the duration of the demolition, excavation and construction works associated with the adjacent development at 55 Pitt Street.
19. To accommodate the hoarding the application also seeks the widening of the existing footpath on the southern side of Dalley Street to accommodate the hoarding posts while maintaining effective footpath width for pedestrian access. The footpath will be widened from 1.2m to 1.615m by extending the kerb into the roadway.





**Figure 5:** Proposed hoarding section

## Assessment

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

## State Environmental Planning Policies

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

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

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

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

**Part 2 Permitted or prohibited development**

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed development is defined as temporary use of the public domain for construction hoardings and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.
2.8 Temporary use of land	Yes	The proposed development seeks consent for the temporary use of the public roadway for the purposes of a construction hoarding to facilitate the development within the adjacent site.  Although the proposal seeks to use the public roadway for a period longer than 52 days, the development is permissible in the zone. Further, the temporary use is not considered to adversely impact on any adjoining land or the amenity of the neighbourhood, subject to conditions.

**Part 5 Miscellaneous provisions**

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is within close proximity to several items of local and state significance. The proposed development will not adversely impact the heritage significance of surrounding heritage items.

**Part 6 Local provisions – height and floor space**

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposal would facilitate a future development that has undergone a competitive design process in accordance with this clause.

Provision	Compliance	Comment
Division 5 Site specific provisions		
6.25 APDG block	Yes	<p>The proposal involves the occupation of part of the public domain for hoarding and scaffolding structures that are associated with demolition, site establishment and construction work for a future commercial development.</p> <p>The proposal is capable of complying with the prescribed site specific controls.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

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

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposed development seeks to temporarily occupy part of the roadway and pedestrian footpath for the purposes of a construction hoarding to facilitate the adjacent site works.</p> <p>The application has been accompanied by a Construction Pedestrian and Traffic Management Plan and is considered to have an acceptable impact on the local road network.</p>
3.9 Heritage	Yes	<p>The proposed development will not adversely impact the heritage significance of surrounding heritage items.</p>

**Section 6 – Specific Sites**

Provision	Compliance	Comment
6.1.4 The APDG site (bounded by Alfred, Pitt, Dalley and George Streets)	Yes	<p>The proposed development would facilitate the approved demolition works and proposed construction works for future the future commercial development.</p> <p>Consideration to the site specific provisions would be undertaken in the detailed development DA lodged separate to the subject application.</p>

**Guidelines for Hoarding and Scaffolding**

26. The application proposes the temporary use of the public domain for a Type B hoarding as defined in the City of Sydney Guidelines for Hoarding and Scaffolding (the Guidelines).
27. The purpose of the Guidelines is to prescribe minimum performance objectives and specific design criteria (deemed-to-comply provisions) to limit and control impacts on pedestrian and cycleway networks and neighbourhood amenity whilst allowing proponents of development, contractors and building owners to undertake required work and to meet their legislative work safety responsibilities and other requirements.
28. The application was referred to Council's Construction and Building Unit who considered the following key design issues against the Guidelines:
  - (a) The hoarding will require the closure of the northern footpath along Dalley Street.
  - (b) The widening of the Southern footpath will have impacts on the width of the Dalley Street traffic lanes.
  - (c) The proximity of the hoarding deck to the building opposite will restrict natural light into the ground floor tenancy.
  - (d) Site sheds located on the deck of B-Class hoardings like this are typically used for builders' amenities (e.g. lunchrooms, offices, toilet facilities etc.) meaning workers from the site will be regularly walking on the hoarding deck.
29. In consideration of the above matters, Council's Construction and Building Unit note the proposed design of the hoarding is capable of complying with the Guidelines.
30. In addition to development consent the formal approval of the detailed design of the structure itself must be submitted for consideration in a future hoarding application. The hoarding application will consider the relevant provisions of the Local Government Act 1993 and Roads Act 1993 and determine whether the specific design of the hoarding is appropriate. A condition of consent is recommended that will allow future design modifications resulting from the hoarding application assessment to be satisfied by the Council prior to the issue of a Construction Certificate to circumvent the need to lodge formal applications to modify the approval should it be granted.

31. The application was also referred to Council's Traffic Operations Unit who conducted a review of the submitted Construction Pedestrian and Traffic Management Plan. The Plan satisfactorily addresses the potential traffic impacts and recommends appropriate measures to protect and maintain the use of the roadway for public use.

## **Consultation**

### **Internal Referrals**

32. The application was discussed with Council's Public Domain Unit, Building Services Unit and Traffic Operations Unit who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

## **Advertising and Notification**

33. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 19 November 2021 and 4 December 2021. A total of 226 properties were notified and no submissions were received.

## **Financial Contributions**

### **Levy under Section 61 of the City of Sydney Act 1988**

34. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2013.
35. A condition relating to this levy has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of a Construction Certificate.

## **Relevant Legislation**

36. Environmental Planning and Assessment Act 1979.

## **Conclusion**

37. The proposal seeks approval for the temporary use of the public domain along Dalley Street for a temporary protective construction hoarding to allow for continued pedestrian and vehicle safety during the demolition and construction phases of the 55 Pitt Street project.
38. Subject to the implementation of conditions as detailed in the report and Attachment A, it is considered that the proposed development is generally compliant with the relevant planning controls for the site. The development is considered to have acceptable impacts on surrounding transport and pedestrian movements and is recommended for approval.

## **ANDREW THOMAS**

Executive Manager Planning and Development

Marie Burge, Senior Planner