

Item 7.

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

File No.: D/2021/1325/A

Summary

Date of Submission:	22 April 2022
Applicant:	Mirvac Commercial Sub SPV Pty Limited
Designer:	Mirvac Constructions
Developer:	Mirvac
Owner:	Mirvac Commercial Sub SPV Pty Limited and City of Sydney Council
Planning Consultant:	Ethos Urban
Cost of Works:	\$467,304.20
Zoning:	The site is in the B8 metropolitan centre zone. The temporary use of the public domain for a construction hoarding to facilitate the construction of a commercial development is permitted with consent.
Proposal Summary:	<p>The modification application seeks consent for amendments to the approved development for the temporary use of Dalley Street for the erection of protection hoarding and scaffolding for associated demolition and construction works for the approved development at 55 Pitt Street, Sydney.</p> <p>The proposed amendments seek to add a second stack of site sheds above the existing approved sheds to accommodate spaces such as bathrooms, changing rooms, offices, lunchrooms and meeting rooms associated with the demolition and construction phase of the adjacent development. The double-stacked site shed arrangement will be set back 3m from the building line of 20 Bridge Street, known as the ASX building, which adjoins the hoarding to the south. The site sheds will result in a maximum height of 13.105m from the existing ground level at Dalley Street.</p>

The proposed amendments also seek to remove part of a condition of consent relating to the provision of adequate passive and active protection measures to reduce the risk of fire spread between buildings on either site of the hoarding. Due to the amended design of the site sheds being double-stacked and set back 3m from the adjacent building, the requirements of this part of the condition have been met and the condition can be deleted.

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 modification 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) SEPP (Biodiversity and Conservation) 2021
- (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 Amended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Modification Application No. D/2021/1325/A 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, as modified is considered to be substantially the same as that originally approved.
- (B) The development complies with the objectives of the B8 metropolitan centre zone pursuant to the Sydney Local Environmental Plan 2012.
- (C) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (D) The proposed development will have an acceptable impact on the local road and pedestrian network within Central Sydney.
- (E) The temporary use is not considered to adversely impact on any adjoining land or the amenity of the neighbourhood, subject to conditions.
- (F) 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 as 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, two utility buildings and basement level parking (including a public car park). The three commercial buildings at 6-8 Underwood Street, 37-49 Pitt Street and 49A-57 Pitt are currently being demolished. 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 under 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 Bridge Street, 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 site is 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. A site visit was carried out on 15 June 2022. Photos of the site and surrounds are provided below.

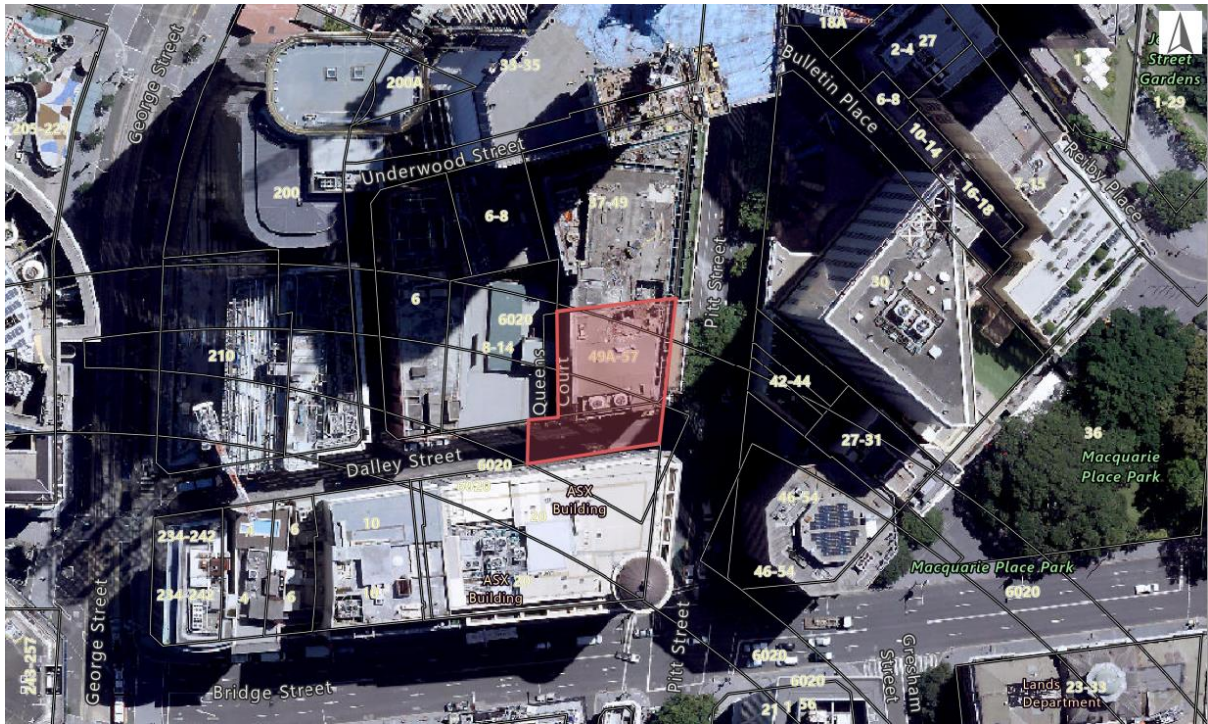


Figure 1: Aerial view of site and surrounds



Figure 2: Existing site under demolition as viewed facing south along Pitt Street



Figure 3: Existing approved hoarding viewed from Pitt Street looking west. The construction site for which this hoarding is for is on the right and the ASX building is on the left.



Figure 4: Existing hoarding and site sheds viewed from Dalley Street looking east. The construction site for which this hoarding is for is on the left and the ASX building is on the right.

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:
- **D/2021/428** – Development consent was granted on 27 October 2021 for the demolition of the existing commercial office buildings and site establishment works.
 - **D/2021/665** – Development consent was granted on 17 March 2022 for site excavation and the construction of a mixed use development with commercial land uses including a 56-storey podium and tower, a new through site link between Dalley Street and Underwood Street and upgrade works to adjacent buildings.
 - **D/2021/1325** – Development consent was granted on 23 February 2022 for the temporary use of Dalley Street for the erection of protective hoarding and scaffolding for associated demolition and construction works.

Proposed Modification

10. The application seeks consent for the following modifications to the approved development:
- Design amendments to the arrangement of site sheds to create a double-stacked arrangement to a maximum height of 13.105m from Dalley Street. The double-stacked site shed arrangement will be set back a minimum of 3m from the face of the ASX building to the south.
 - Deletion of Condition (7)(x) relating to the provision of adequate passive and active protective measures to reduce the risk of fire spread between buildings on either site of the hoarding.
11. Plans and elevations of the proposed development are provided below.

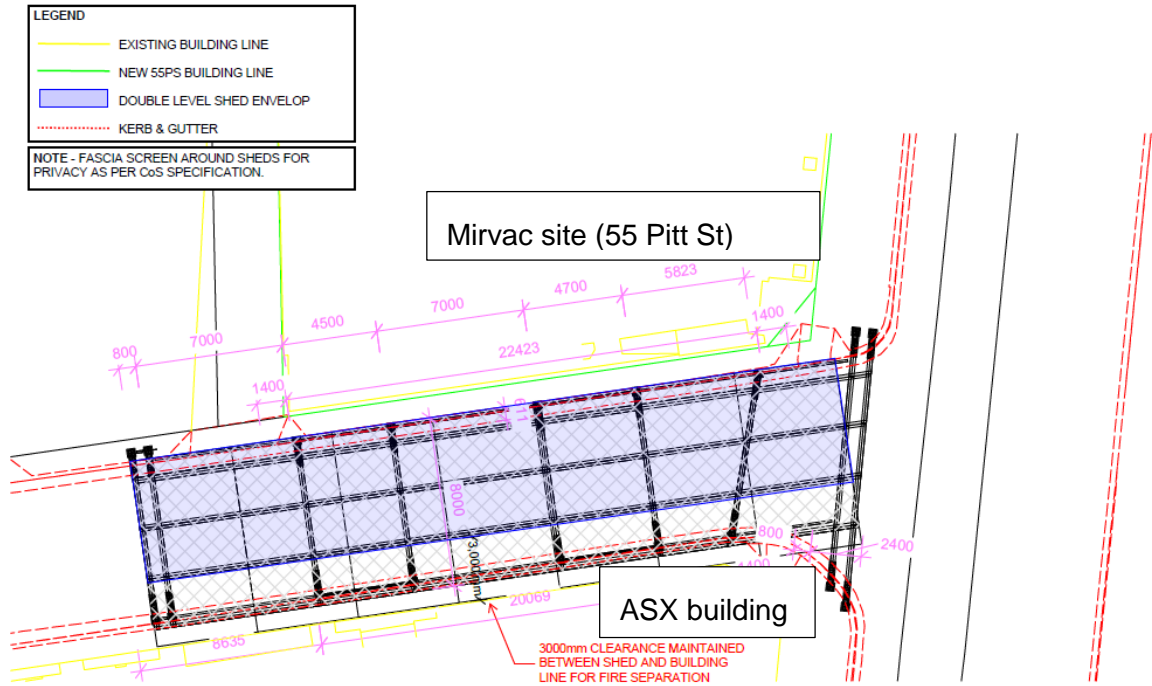


Figure 5: Proposed plan showing the footprint of site sheds and 3m clearance to the ASX building (located at the bottom of the illustration)

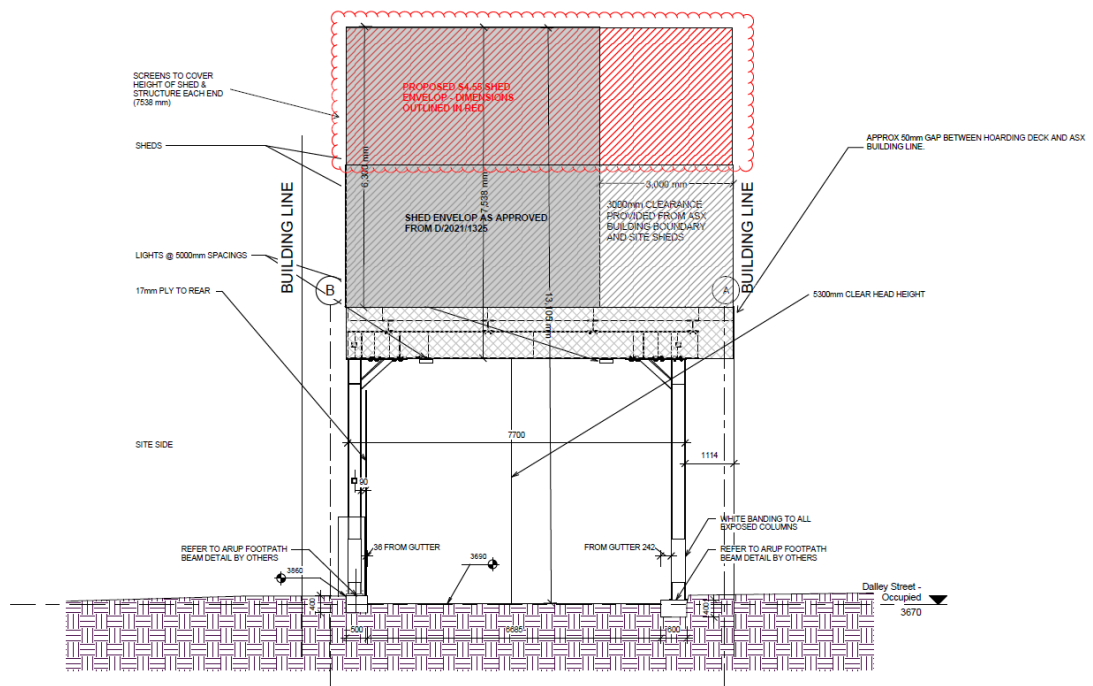


Figure 6: Proposed elevation facing east showing a 3m clearance between site shed envelope and the ASX building (located on the right hand site of the illustration)

Assessment

12. The applicant submits the following in support of the modification:
 - (a) The proposal retains the overall length and general extent of the hoarding along Dalley Street.
 - (b) The proposal retains the approved clear width and height of the hoarding, and approved footpath widening.
 - (c) The proposal will not alter the general function or character of the temporary hoarding.
 - (d) The modifications will have no adverse environmental impacts.
 - (e) Fire safety has been addressed in this modification by the submission of a fire safety engineering statement confirming adequate fire protection measures have been incorporated into the design.
 - (f) The proposed modification will have negligible impacts on vehicle movements to and around the site.
13. The proposed modification is supported. The amended proposal is capable of complying with the City of Sydney Guidelines for Hoarding and Scaffolding. The application was discussed with Council's Construction and Building Unit who raised no objections to the proposed amendments and supported the removal of Condition (7)(x) as fire separation and protection has been adequately addressed in supporting documentation.
14. The proposed amendments have been designed to be set back a minimum 3m from the building line and any windows in the adjacent ASX building. A review of the office floor plans within this building show that the offices are generally open plan and maintain outlook Bridge Street and Pitt Street. The additional site sheds are predominantly fronting areas occupied by mechanical plant and accordingly the overall impact on outlook and daylight access is considered acceptable.
15. The relevant provisions of the Sydney Local Environmental Plan 2012 have been taken into consideration in the assessment of the proposal.
16. The proposed modification will have no significant impact on the height of the site.
17. The development to which the proposed modification relates is considered to be substantially the same as that originally granted.
18. Besides the other matters discussed in this report, the previous assessment against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 Discussion

Consultation

Internal Referrals

19. The application was discussed with Council's Construction and Building Unit and Transport and Access Unit.

20. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

21. In accordance with the City of Sydney Community Participation Plan 2020, the proposed Section 4.55 (1A) modification is not required to be notified or advertised.

Financial Contributions

Levy under Section 61 of the City of Sydney Act 1988

22. The proposed modification will not change the development contributions required under the approved development as the cost of works is unchanged by the modifications.

Relevant Legislation

23. Environmental Planning and Assessment Act 1979.

Conclusion

24. The proposed modification application seeks consent for design amendments that will maintain continued pedestrian and vehicle safety during the demolition and construction phases of the 55 Pitt Street project.
25. Subject to the implementation of conditions as detailed in Attachment A, it is considered that the proposed modification is generally compliant with the relevant planning controls for the site. The amended development is considered to have acceptable impacts on occupant amenity of surrounding commercial developments and on surrounding transport and pedestrian movements and is recommended for approval.

ANDREW THOMAS

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