

Item 8.**Development Application: 49A-57 Pitt Street, Sydney and 5010 Underwood Street, Sydney - D/2022/409**

File No.: D/2022/409

Summary

Date of Submission:	9 May 2022
Applicant:	The Trustee for Mirvac Pitt St Trust No. 2
Designer:	Traditional Hoardings
Developer:	Mirvac
Owner:	Mirvac Commercial Sub SPV Pty Limited and City of Sydney Council
Planning Consultant:	Ethos Urban
Cost of Works:	\$495,389.40
Zoning:	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 within consent.
Proposal Summary:	<p>The development application seeks consent for the temporary use of Underwood Street for the erection of protective construction gantry hoarding 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 74m of the north eastern portion of Underwood Street. The hoarding will span over the roadway and footpaths on both sides of Underwood 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>

The protective hoarding will have a maximum clear head height of 5.395m when measured from the roadway, will be a maximum 8.465m in height from Underwood Street and will be set back a minimum 3m from the development to the north.

The proposed development was notified for a period of 14 days between 16 May 2022 and 31 May 2022. No submissions were received.

The application is referred to the Local Planning Panel in accordance with Schedule 3 of the Local Planning Panel's Direction dated 30 June 2020 as Council is the landowner of Underwood 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) 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 Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2022/409 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 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, 77m 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.

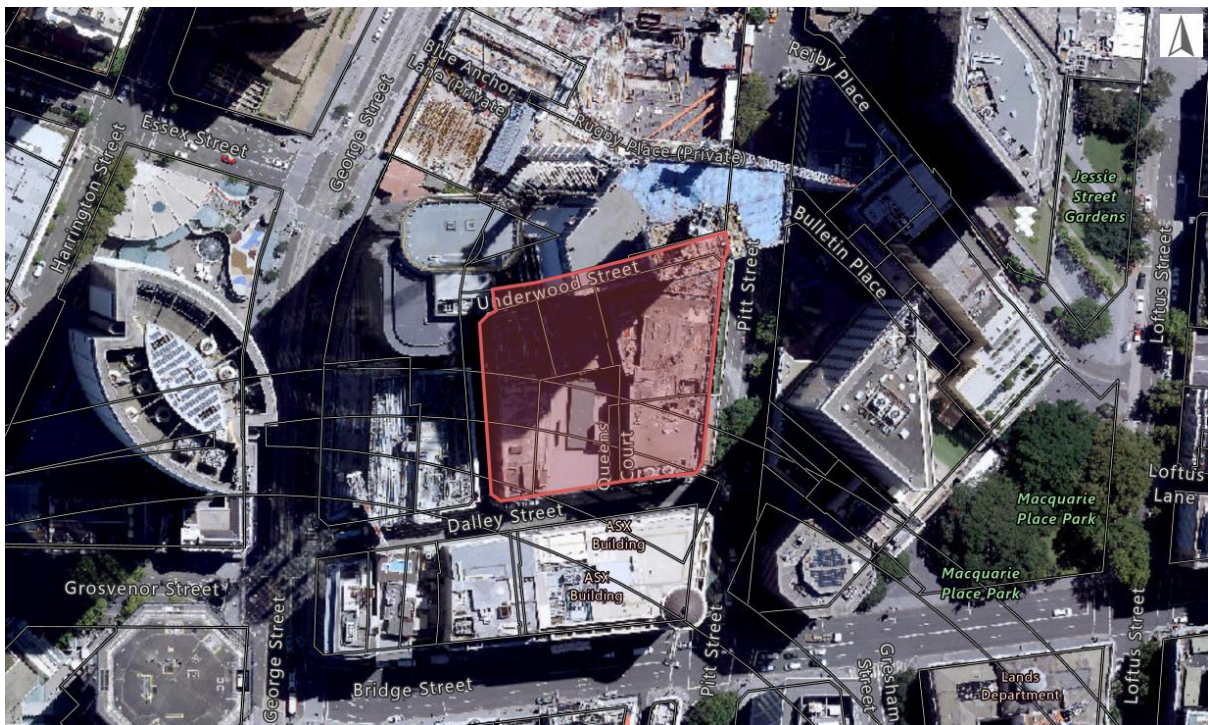


Figure 1: Aerial view of site and surrounds



Figure 2: Existing site under demolition viewed from Pitt Street with existing gantry hoarding (servicing construction site to the north) along Underwood Street



Figure 3: Existing gantry hoarding along Underwood Street (hoarding erected in association with Lend Lease development of 'Sales Force' tower immediately to the north of the site)

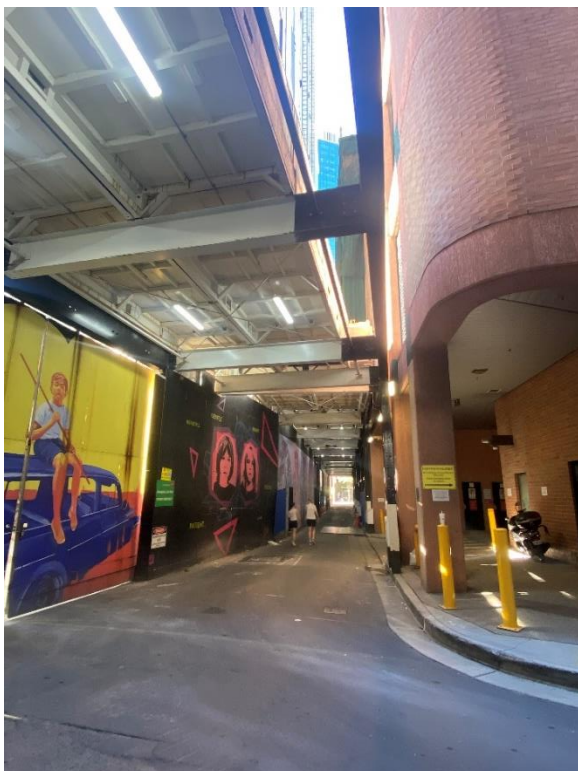


Figure 4: Existing gantry hoarding along Underwood Street (hoarding erected in association with Lend Lease development of 'Sales Force' tower immediately to the north of the site)

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 Development

10. The application seeks consent for a Type B temporary protective construction gantry hoarding along Underwood Street to allow for continued pedestrian and vehicle safety during the demolition and construction phases of the 55 Pitt Street project.
11. This existing gantry hoarding over Underwood Street (erected in association with Lend Lease's 'Sales Force' tower) will be dismantled prior to the construction of the proposed hoarding subject to this application.
12. The proposed hoarding will be located along approximately 74.433m of the north eastern portion of Underwood Street. The hoarding will span over roadway and footpaths on both sides of Underwood 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.
13. The protective hoarding will have a maximum clear head height of 5395mm when measured from the roadway and will have a maximum height of 8465mm to the top of the site sheds.
14. The proposed hoarding will be in place on Underwood Street for the duration of the demolition, excavation and construction works associated with the adjacent development at 55 Pitt Street.
15. The hoardings have been positioned to maintain a minimum width clearance of 1200mm along the future northern footpath as to maintain pedestrian access along the roadway.
16. Plans and elevations of the proposed development are provided below.

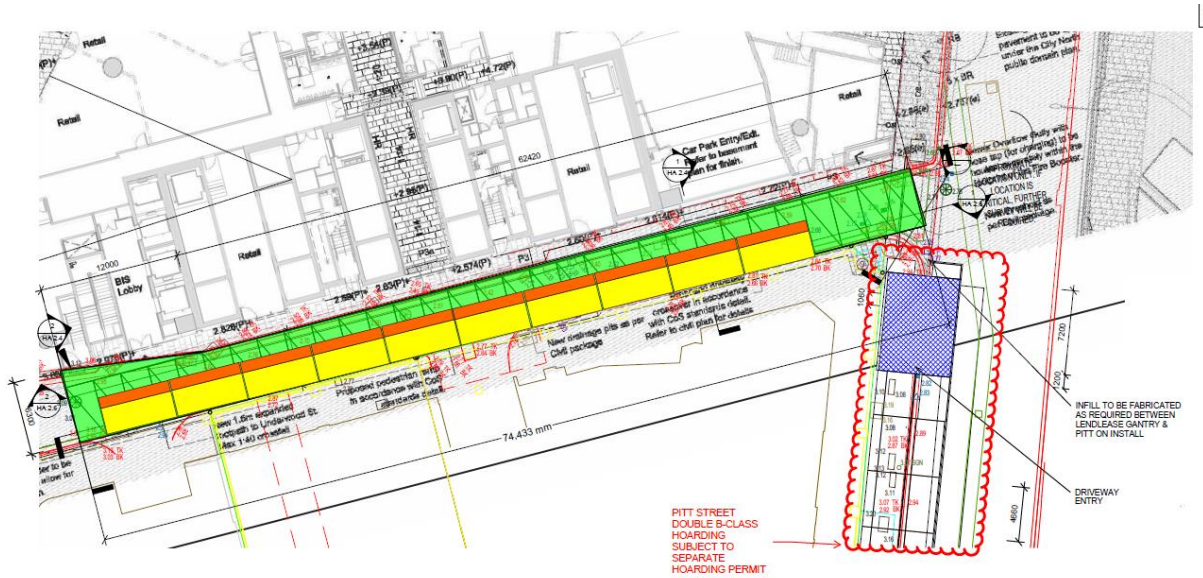


Figure 5: Proposed hoarding location plan

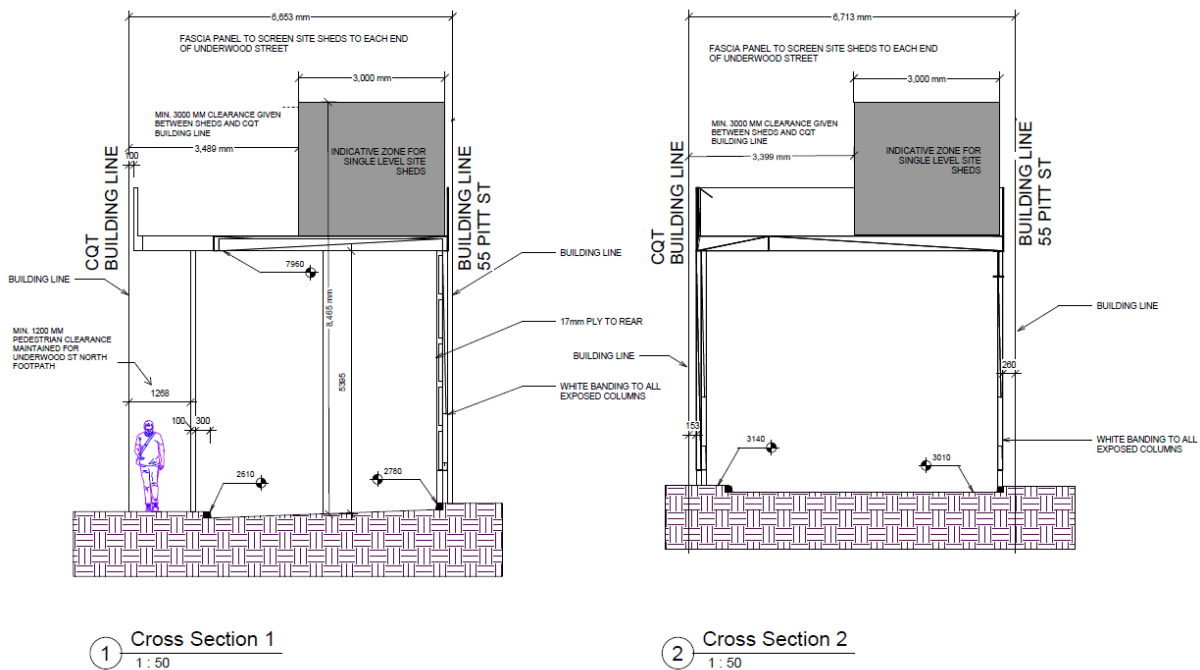


Figure 6: Proposed hoarding section

Assessment

17. 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 Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

18. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
19. 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 SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

20. 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.
Division 5 Site specific provisions		
6.25 APDG block	Yes	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. The proposal is capable of complying with the prescribed site specific controls.

Development Control Plans**Sydney Development Control Plan 2012**

21. 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	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.

Provision	Compliance	Comment
		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.
3.9 Heritage	Yes	The proposed development will not adversely impact the heritage significance of surrounding heritage items.

Section 5 – Specific Areas

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

22. 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).
23. 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.
24. 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 Southern footpath;
 - (b) the close proximity of the hoarding deck to the building opposite will restrict natural light into the adjoining building (if tenanted);
 - (c) 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.) which means that workers from the site will be regularly walking on the hoarding deck; and

- (d) fire spread and access for firefighting.
25. 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, although compliance with the Guidelines can only be fully assessed when the detailed designs are submitted with the future hoarding application.
26. 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.
27. 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.

Discussion

Impact on amenity

28. This assessment report has also considered the potential amenity impacts of the proposed gantry hoarding on surrounding public domain and private commercial developments.
29. The proposed hoarding notes that all site sheds are to be set back from the building to the north by a minimum of 3m. A review of the approved floor plans for the site to the north at 33-35 Pitt Street shows the majority of the south-facing functions of the lower and upper ground floors are lobby entries, lift lobbies, carpark entries and general back of house functions.
30. It is noted that there are three retail tenancies fronting Underwood Street at the lower ground floor that may be impacted by the construction hoarding once the construction of 33-35 Pitt Street is completed. Pedestrian entry into these tenancies will be maintained and the impact on amenity is acceptable.

Consultation

Internal Referrals

31. The application was discussed with Council's Building Services Unit and Traffic Operations Unit who advised that the proposal is acceptable subject to conditions. Having considered the comments provided by the Building Services Unit and Traffic Operations Unit, these conditions are included in the Notice of Determination.

Advertising and Notification

32. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 16 May 2022 and 31 May 2022. A total of 53 owners and occupiers were notified and no submissions were received.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

33. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
34. 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

35. Environmental Planning and Assessment Act 1979.

Conclusion

36. The proposal seeks approval for the temporary use of the public domain along Underwood 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.
37. 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

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