

Item 4.**Development Application: 84-110 Castlereagh Street, Sydney****File No.: D/2017/1379****Summary****Date of Submission:** 9 October 2017**Applicant:** David Jones Properties Pty Limited**Architect:** Benoy & Crone Architects**Developer:** David Jones Properties Pty Limited**Owner:** David Jones Properties Pty Limited**Cost of Works:** \$75,750,400

Proposal Summary: Development consent is sought for internal and external alterations to the Elizabeth Street David Jones store on all levels between the basement and level 4, and levels 9 to 11. Works include:

- (a) Demolition of existing window displays and associated facade, partial removal of the heritage awning and construction of new store entries on the corner of Market and Castlereagh Streets, and Market and Elizabeth Streets. These works will require the re-grading of the public footpath at each new entry;
- (b) Closure of the existing Market Street store entry and construction of a new window display;
- (c) Removal of all signage bulkheads above existing entries;
- (d) Demolition of part of the basement floor slab to accommodate new lift and escalators to facilitate its use as retail space; and
- (e) Removal and replacement of existing internal partitions, retail displays, back of house storage, amenities, plant rooms and services across various levels.

**Proposal Summary:
(continued)**

The application proposes to carry out all internal construction works 24 hours a day, 7 days per week.

The application was notified for a period of 28 days from 12 October to 10 November 2017. No submissions were received.

The proposal complies with the maximum permitted floor space ratio (FSR) development standard contained within the Sydney Local Environmental Plan (LEP) 2012, and the restrictive covenant on title relating to floor space area. No increase in height is proposed.

The proposal has been designed to respect significant heritage fabric, and is generally consistent with the relevant planning controls.

Summary Recommendation:

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

Development Controls:

- (i) State Environmental Planning Policy No 55 – Remediation of Land
- (ii) State Environmental Planning Policy (Infrastructure) 2007
- (iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012
- (vi) Central Sydney Development Contributions Plan 2013

Attachments:

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

Recommendation

It is resolved that consent be granted to Development Application No. D/2017/1379, subject to the conditions as detailed in **Attachment A** to the subject report.

Background

The Site and Surrounding Development

1. The subject site is made up of two allotments, legally described as Lot 1 DP 34666 and Lot 1 DP 74609; and is known as 84-110 Castlereagh Street, Sydney.
2. The site is an irregular shaped allotment, bounded by Castlereagh Street to the west, Market Street to the south, and Elizabeth Street to the east, with an area of approximately 3,530sqm. Whilst Castlereagh Street is the primary address of the site, ground floor entries are located at all street frontages. The site is also accessed via Westfield Sydney at the lower ground floor (through an underground entry) and a pedestrian footbridge at level 1. Vehicular access is provided via a loading dock to Elizabeth Street, and an underground vehicle tunnel connected to the Market Street David Jones site (known as 65-77 Market Street).
3. Contained within the site is a 9 storey commercial building with 2 basement levels and 3 part floors. The building is heritage listed under the Sydney LEP 2012 (I1697). The Inter-war building was constructed in 1923-1925, and has continually operated as the flagship store for David Jones for the last 90 years.
4. The Inter-war Stripped Classical style building's form, mass and corner articulation make it an important element in the setting of Hyde Park. Although the glazed shopfronts at ground floor have since been refurbished, original external features at the upper levels remain intact. The interior finishes have been heavily modified, with contemporary wall and floor finishes, including marble and plasterboard.
5. Photos of the site are provided below:

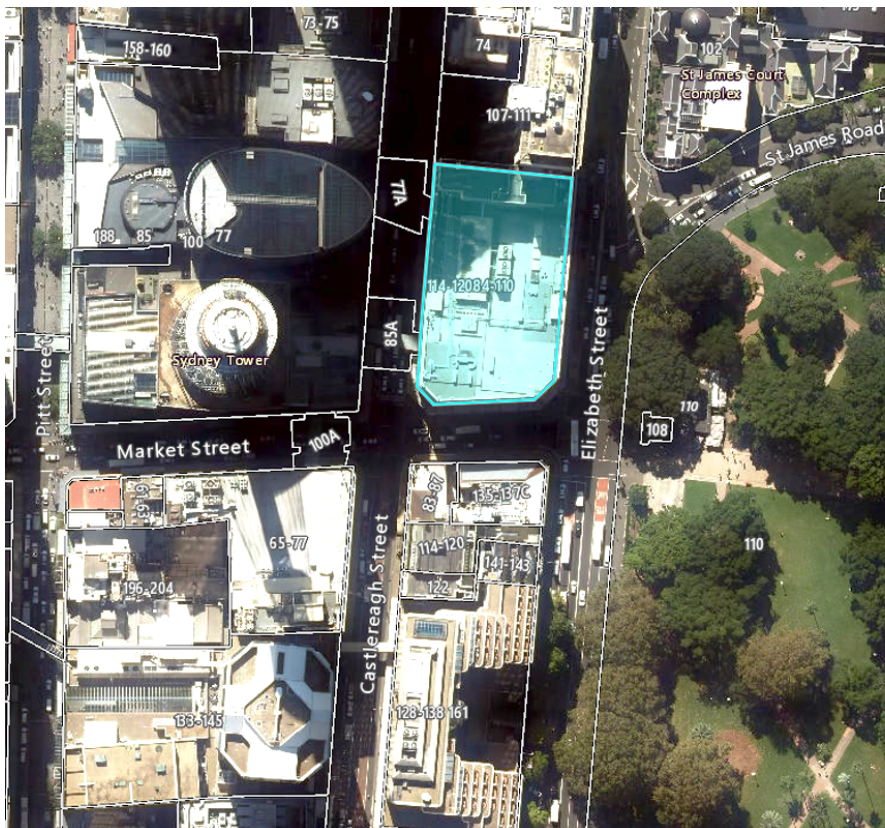


Figure 1: Aerial image of subject site and surrounding area



Figure 2: Subject site viewed from the corner of Market Street and Castlereagh Street



Figure 3: Market Street and Elizabeth Street corner elevation of subject site viewed from Hyde Park



Figure 4: Castlereagh Street elevation of subject site and level 1 footbridge



Figure 5: Subject site viewed from Elizabeth Street (looking south-west)



Figure 6: Existing entry to David Jones and signage bulkhead viewed from Market Street



Figure 7: Existing back of house and storage areas at basement level



Figure 8: Existing Lower ground floor retail fit-out



Figure 9: Existing escalator at lower ground floor to be refurbished



Figure 10: Heritage stair at lower ground floor



Figure 11: Internal view of shop entry to Market Street



Figure 12: View of half height partitions within existing retail fit-out at ground floor



Figure 13: Existing decommissioned lifts at level 4 (similar view at levels 1-4)



Figure 14: Internal view of void area, escalators and balustrades at level 3 and below

6. Surrounding development in the vicinity of the site is generally mixed use and is characterised by commercial offices, residential and hotel accommodation, and retail precincts.
7. To the north of the site is the St James Centre (107-111 Elizabeth Street), a 20 storey commercial office building with retail tenancies at lower levels that make up St James Arcade. Opposite the site to the north-east is St James Road Court, with Hyde Park, and the entry to St James Railway Station further south-east.
8. The Queens Club (135 Elizabeth Street) is a 5 storey hotel accommodation building with ground floor retail located directly south of the subject site, at the corner of Market and Elizabeth Streets. Further south along Elizabeth Street is a 16 storey residential flat building at 141-143 Elizabeth Street. To the south of the site, on the corner of Market and Castlereagh Streets, is a 7 storey commercial building containing retail and office tenancies (83-87 Market Street).
9. Directly opposite the site to the west is Westfield Sydney, Sydney Tower and a 25 storey commercial office building (188 Pitt Street/85 Castlereagh Street).
10. Photographs of surrounding development are provided below:



Figure 15: Castlereagh Street looking south (opposite subject site)



Figure 16: Market Street looking west



Figure 17: David Jones Market Street building on the corner of Market Street and Castlereagh Street (opposite the subject site)



Figure 18: Elizabeth Street looking north

Proposal

11. The application seeks consent for internal and external alterations to the David Jones Elizabeth Street store on all levels between basement and level 4, and levels 9 to 11. All internal works are proposed to be carried out 24 hours a day, 7 days per week.

12. Works are summarised as follows:

(a) Works to occur at all levels (basement to level 4 and levels 9 to 11)

- (i) Decommissioning of lift cars and associated equipment relating to the goods and staff lifts (in back of house area), installation of new express lifts within heritage lift bank on shop floor and stripping of wall finishes to customer lifts;
- (ii) Removal of partitions, part of existing floor slab at back of house and around escalators, stripping of floor finishes;
- (iii) New finishes to escalators; and
- (iv) Bronze coloured film to be applied to the internal surface of glass in existing windows on the chamfered corners of the building (Market Street/Castlereagh Street and Market Street/Elizabeth Street - levels 1 to 6).

(b) Basement

- (i) Demolition of slab to customer lifts for new lift pit;
- (ii) Demolition of part of basement floor slab to accommodate new escalator pits;
- (iii) Change of use from storage to retail area;
- (iv) New escalators; partitions, back of house areas, sanitary facilities and waste room; and
- (v) Fire stair between basement and lower ground to be refurbished and used as a public stair.

(c) Lower ground floor

- (i) Removal of heritage stair between lower ground and ground floor; and
- (ii) New partitions for back of house area.

(d) Ground floor

- (i) Refurbishment of existing window displays along perimeter of store;
- (ii) Removal of existing entry doors to Market Street and staff entry on Castlereagh Street;
- (iii) Removal of part of heritage stairs to Elizabeth Street entry;

- (iv) Removal of existing shopfront window display adjacent to existing Elizabeth Street entry, and new window display to be installed with fire door entry;
- (v) Existing heritage balustrade, pedestal and statue to existing Market Street entry to be dismantled and reused on-site;
- (vi) New store entries to corner of Elizabeth Street and Market Street (with accessible entry); and corner of Castlereagh Street and Market Street;
- (vii) New platform lifts to Elizabeth Street and Castlereagh Street;
- (viii) Adjustment of pavement levels and gradients at new entries, and relocation of existing pavement lights; and
- (ix) New internal void areas at Castlereagh Street/Market Street entry to lower ground floor below.

(e) Ground floor mezzanine

- (i) Removal of part of heritage awning to corner of Market and Castlereagh Streets, and removal of bulkhead and signage to all frontages;
- (ii) Demolition of part of existing slab to loading dock (for access hatches to substation) and removal of partitions and plant areas;
- (iii) New scissor lift and metal roller door to loading dock; and
- (iv) New awning above new shop entries.

(f) Level 1

- (i) New partitions, sanitary facilities, fitting rooms, fire doors and plant areas; and
- (ii) Triangular portion of floor plate above new entries cut out to allow for double height entrance vestibule.

(g) Levels 1 - 4

- (i) New partitions, sanitary facilities, fitting rooms, fire doors and plant areas.

(h) Level 9 (roof/plant area)

- (i) Existing slab removed for new service risers; and
- (ii) Internal partitions and continued use as office space.

(i) Level 10

- (i) Existing slab removed for new service risers.

(j) Level 11

- (i) Existing lift motor room machinery removed.

- (ii) Existing slab removed for new service risers.
13. The fit-out of the lower ground floor as a food hall, and the proposed cafe at level 2 are to be subject to separate development applications.
14. Selected plans and a photomontage of the proposed development are provided below. All plans are provided in Attachment B.

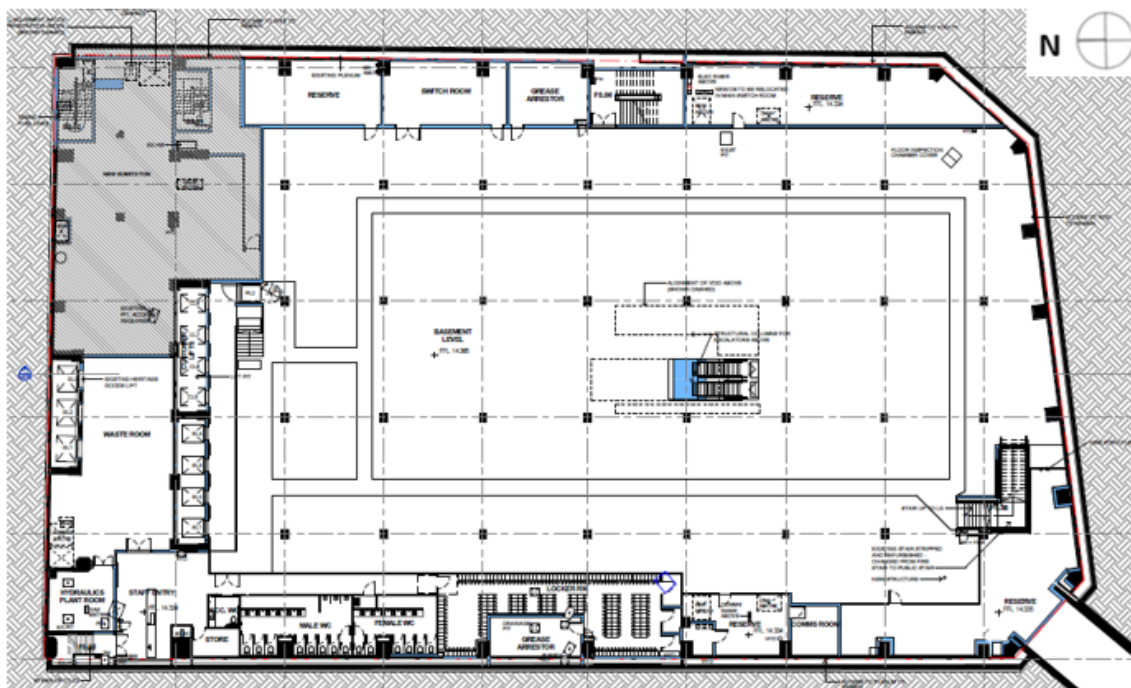


Figure 19: Proposed basement level plan

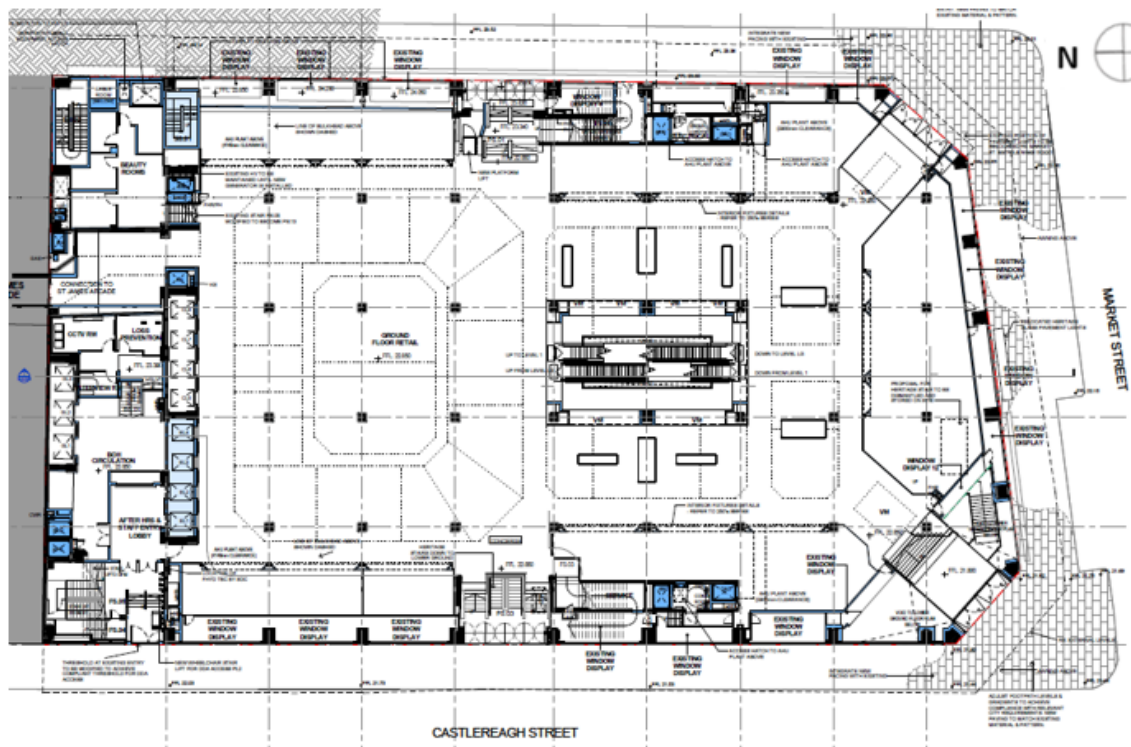


Figure 20: Proposed ground floor plan

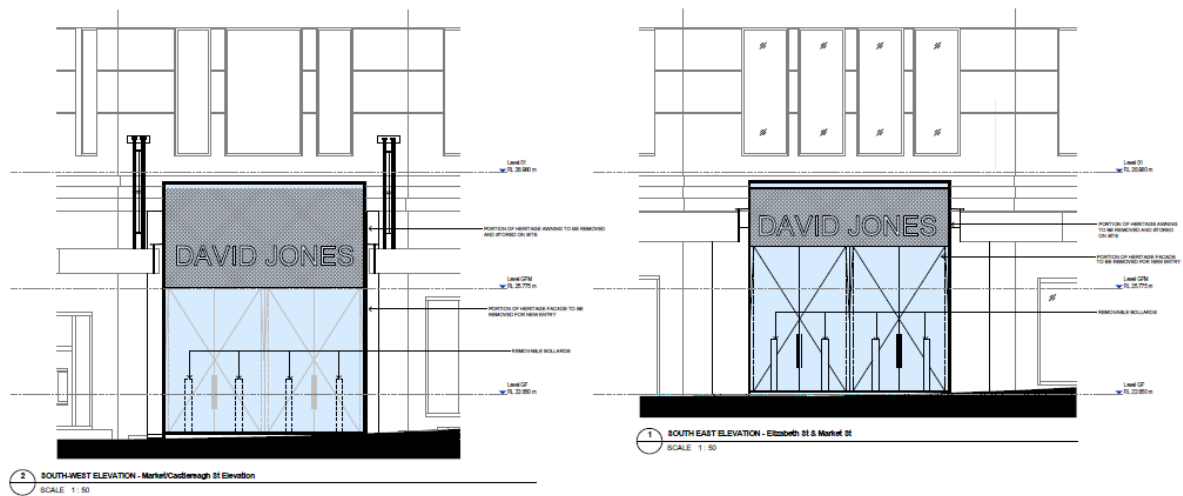


Figure 21: Proposed Market Street/Castlereagh Street and Market/Elizabeth Street corner entries

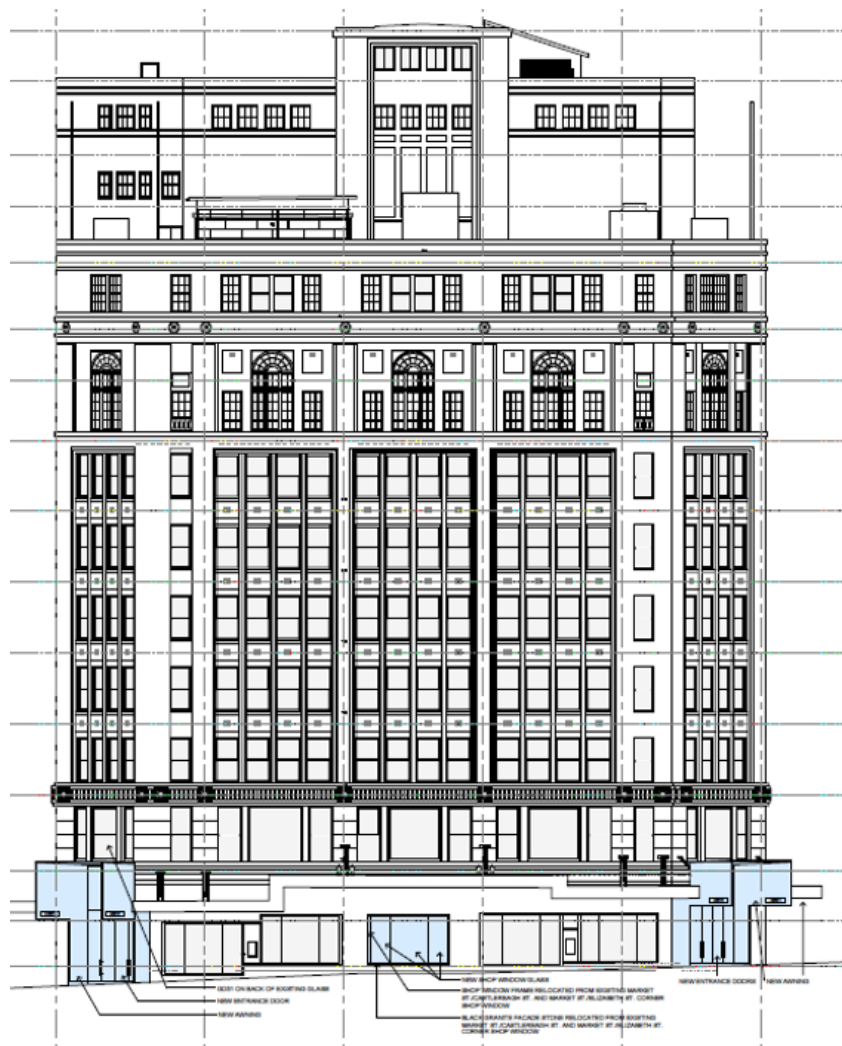


Figure 22: Proposed Market Street (south) elevation

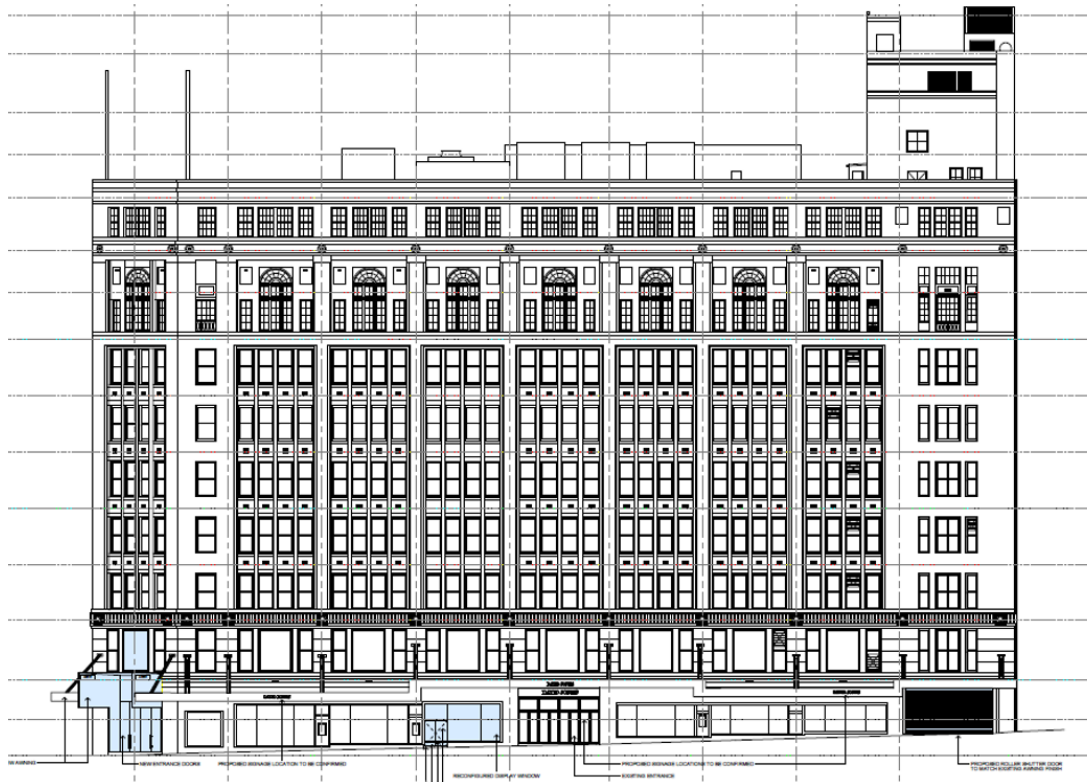


Figure 23: Proposed Elizabeth Street (east) elevation

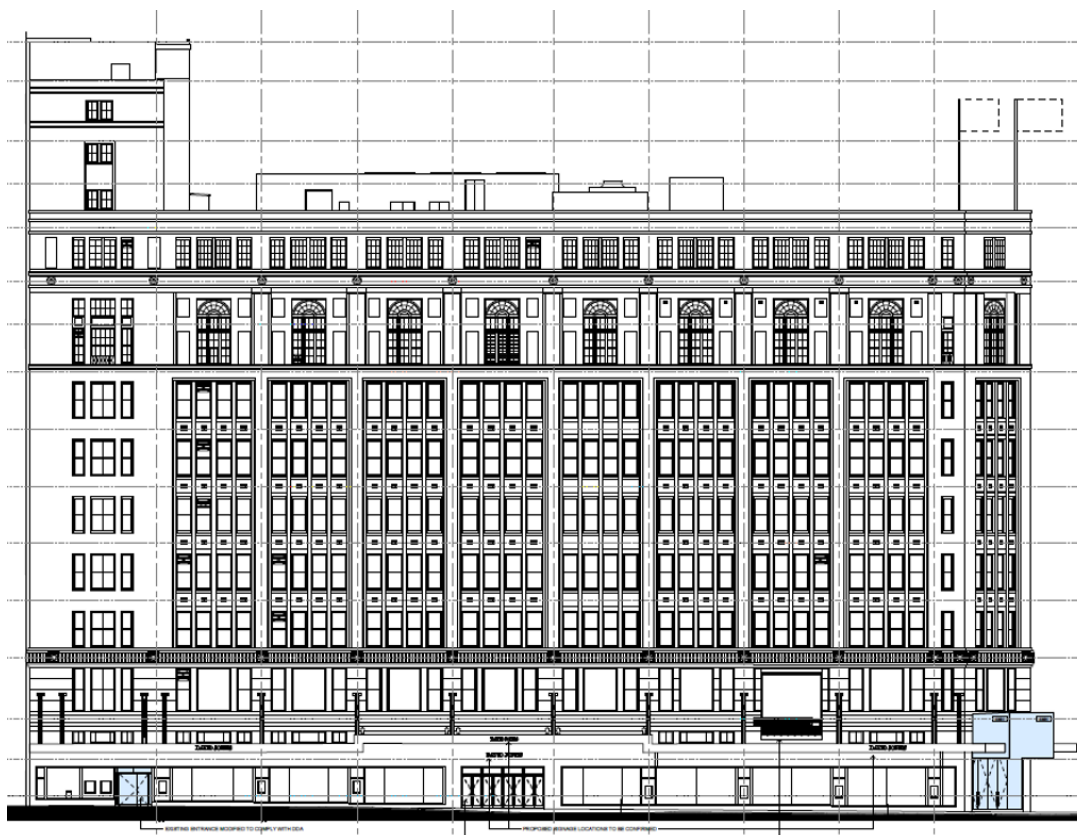


Figure 24: Proposed Castlereagh Street (west) elevation

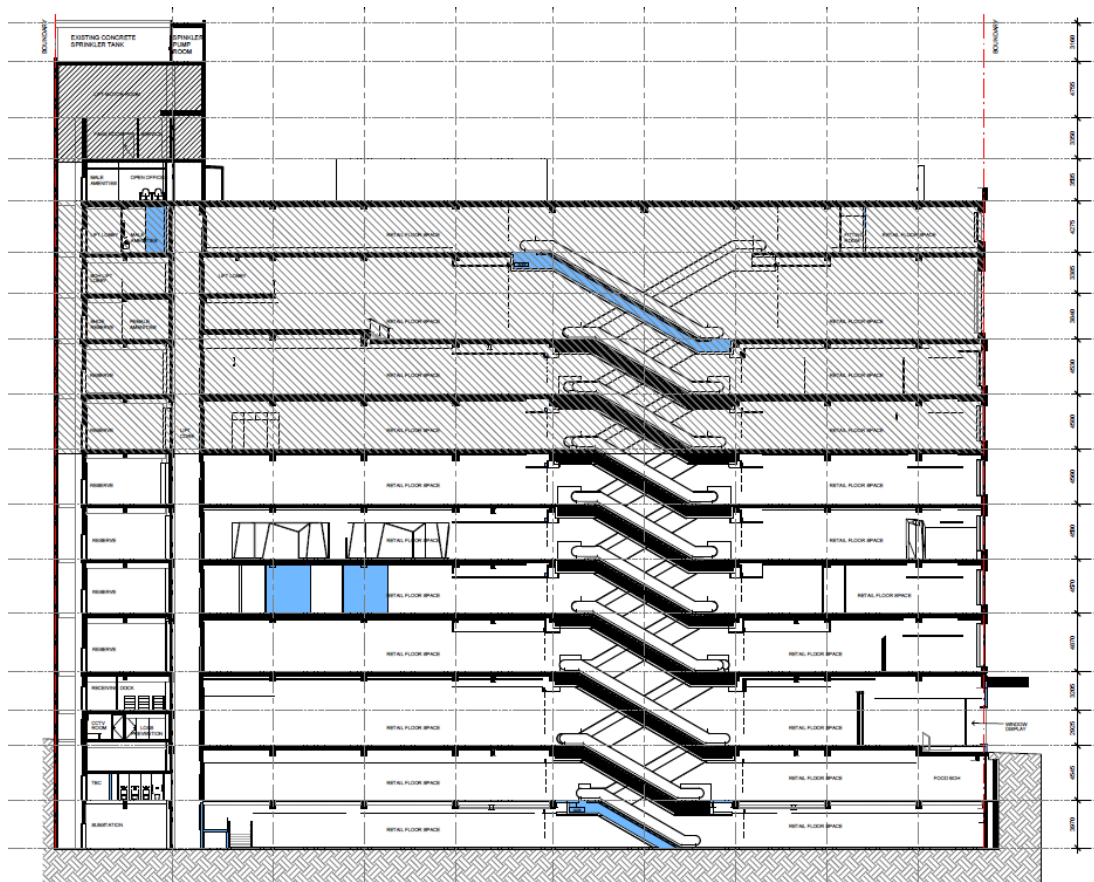


Figure 25: Proposed section through escalator void



Figure 26: Photomontage of proposed new entry (corner Market/Castlereagh Streets)



Figure 27: Photomontage of proposed new entry (corner Market/Elizabeth Streets)



Figure 28: Photomontage of proposed Market Street/Castlereagh Street corner



Figure 29: Photomontage of proposed Market Street/Elizabeth Street corner

History Relevant to the Development Application

Development Applications

D2000/00377 – Phase 1 (Elizabeth Street and Market Street David Jones Stores)

15. A Stage 1 development application for the refurbishment and conservation works to the Elizabeth Street and Market Street David Jones City stores, and the separate staged award of heritage floor space (HFS) for each store was approved by the Central Sydney Planning Committee on 9 August 2000.
16. The application proposed numerous stages of construction, with D2000/00377 being 'Phase 1'. Phase 1 works consisted of building envelope conservation and maintenance works, the provision of new plant and equipment, the removal and replacement of escalators, reinstatement of a passenger lift to the Elizabeth Street store, and a general BCA upgrade.
17. Ten Section 96 applications have been determined by Council with D/2000/371/J approved on 7 January 2008. Each Section 96 application has amended the quantum of HFS allocated to each stage of the development, which was awarded in 10 stages to align with the number of construction phases.
18. Under D/2000/377/J, David Jones were eligible for a HFS award of up to 14,132sqm. The approved conservation works in Phases 1 to 7 (as detailed below) are complete, with an award of 10,111sqm being registered to the site. The remaining 4,021sqm of HFS has not been awarded as conservation works in Phases 8 to 10 have not been carried out.

19. Each phase of the development is set out below as follows:

D2003/0051 – Phase 2

20. A development application for refurbishment works to the food hall on the lower ground floor of the Market Street store was approved by Council on 8 April 2003.

D2003/00129 – Phase 3

21. A development application for the Phase 3 works to the basement and sub-basement levels of the David Jones Market Street store was approved by Council on 8 April 2003. Section 96 applications A-C have since been determined and have no impact on the Elizabeth Street store.

D/2004/150 - Phase 4A

22. A development application for the Phase 4 conservation and refurbishment works, relating to the lower ground, first and mezzanine floors of the David Jones Elizabeth Street store was approved by Council on 20 April 2004. Section 96 applications A-B, relating to the connection of the store to the St James Arcade (to the north of the site) have since been determined.

D/2005/1257 – Phase 4B

23. A development application for internal alterations and the fit-out of part of level 7 to provide temporary office accommodation within the David Jones Elizabeth Street store was approved by Council on 6 September 2005.

D/2005/1491 – Phase 5

24. A development application for internal work to level 1 of the David Jones Elizabeth Street store was approved by Council on 14 November 2005.

D/2006/899 – Phase 6

25. A development application for internal alterations at ground floor and level 1 of the David Jones Market Street store was approved by Council on 18 July 2006.

D/2007/1111 – Phase 7

26. A development application for the refurbishment and conservation works to level 3 of the David Jones Market Street store was approved by Council on 13 August 2007.

D/2007/2074 – Phase 8

27. A development application for the refurbishment and conservation works to the David Jones Elizabeth Street store (levels 2, 4, 5 and 6), and the Market Street store (levels 2, 4, 5 and 6) was approved by Council on 27 December 2007.

D/2017/371

28. A development application for internal and external refurbishment works to the David Jones Elizabeth Street store was approved by the Central Sydney Planning Committee on 14 September 2017. Internal fit-out and refurbishment works were confined to the basement, lower ground, ground floor, and levels 5-8; with minor external works to the loading dock on Elizabeth Street and installation of 2 external louvres at level 7.

FSA Covenant

29. As part of the Stage 1 consent D2000/00377, Condition 62(b) Staged Award of Heritage Floor Space required the developer to enter into a Deed of Agreement with the City of Sydney at the completion of conservation works to ensure the continued conservation and maintenance of the Elizabeth Street store, and limit any future development of the site to the total area of the conserved building.
30. The deed sets out a HFS award of 10,111sqm for the site, with 4,021sqm of HFS yet to be awarded as conservation works in Phases 8 to 10 have not been carried out.
31. A restrictive covenant was placed on title on 11 March 2008 reflecting the deed. The covenant provides a mechanism to ensure that the restriction on floor space area (FSA) imposed by D2000/00377 and subsequent Section 96 applications continues to apply to future development for the site.
32. The covenant states:

“No building may be erected, added to or altered on the Land which would result in the:

(i) Floor Space Area of all Buildings on the Land exceeding the Floor Space Area of the Building as at the date of completion of the Conservation Work; or

(ii) Building envelope of any Buildings on the Land exceeding the Building envelope of the Building on the Land at the date of registration of this Covenant.”
33. The conservation work referred to in the above covenant relates to the work completed in accordance with D/2000/377/I, and includes all Section 96 modifications made. The FSA is to be calculated in accordance with the Central Sydney LEP 1996. The FSA covenant is in favour of Council, and as such Council is the party authorised to release, vary or modify this restrictive covenant.
34. The covenant does not specifically discuss the approved FSA for the development, and D2000/00377 does not contain a condition relating to the approved FSA. At the determination of D2000/00377, the approved development had an FSA of 36,452sqm as quoted by the Statement of Environmental Effects submitted with the application. This figure has remained unchanged throughout subsequent staged development applications.
35. D/2017/371 for internal and external alterations to the Elizabeth Street David Jones store provided an FSA survey for the existing building and the proposed works in accordance with the definition contained in the Central Sydney LEP 1996. The existing FSA for the site is confirmed to be 36,972.9sqm.
36. The difference between the original Stage 1 application and the current FSA of the building can be attributed to a survey of floor space not being undertaken as part of the original approval. In any case, given that the covenant nor the consent conditions of D2000/00377 specify the approved FSA of the Stage 1 and Stage 2 works, the FSA is taken to be 36,972.9sqm as determined by the current survey.

City of Sydney Act 1988

37. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

(1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.

(2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.

(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."

38. Having liaised with the Sydney Coordination Office (within Transport for NSW) and City's Access Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD. Appropriate conditions relating to the management of the loading dock, and preparation of a Construction Pedestrian and Traffic Management Plan are recommended.

Economic/Social/Environmental Impacts

39. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55 - Remediation of Land

40. 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.
41. The application proposes a change of use of the basement level from storage and back of house to retail, and will involve some minor excavation to accommodate lift and escalator pits.

42. The proposal is not considered to result in an increase in the risk to health given that the use of the basement remains as a commercial space, and has been a commercial development for some time. Subject to a condition regarding notification of any contamination during excavation, the City's Health and Building Unit is satisfied that the site is suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

43. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 85

44. The application proposes minor demolition and excavation works to accommodate a new escalator pit at basement level, which is directly above and adjacent to existing rail corridors, and within 25 metres of the Interim Metro Corridor. The application was referred to Sydney Trains for comment in accordance with Clause 85 'Development immediately adjacent to rail corridors'.
45. Sydney Trains advised in correspondence dated 17 January 2018 that no objection was raised due to the minor nature of the works proposed in relation to the CBD Rail Line and the approved Sydney Metro alignment.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

46. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
47. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
- (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;
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
48. The site is within the Sydney Harbour Catchment and eventually drains into the 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 with the deemed SEPP.

Sydney LEP 2012

49. The site is located within the B8 - Metropolitan Centre zone. The proposed use is defined as "retail premises" and is permissible with consent.
50. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
1.9A Suspension of covenants, agreements and instruments	Yes	<p>Any covenant on land in Central Sydney restricting the carrying out of development that has been registered on title prior to the introduction of the Sydney LEP 2012 is applicable under this clause.</p> <p>A covenant applies to the site, restricting the building envelope to current conditions, and floor space area (FSA) to that of which existed on the site at the date of completion of conservation works associated with D/2000/00377/I, being 36,972.9sqm. This figure has been calculated in accordance with the Central Sydney LEP 1996.</p> <p>The applicant has submitted plans for the site as part of the application, demonstrating that the Elizabeth Street David Jones store has a proposed FSA of 36,644.2sqm (calculated in accordance with the Central Sydney LEP 1996) which complies.</p> <p>The reduction in FSA is due to the increase in size of voids around the existing escalators. No changes are proposed to the existing building envelope.</p>
4.3 Height of Buildings	N/A	<p>The maximum permissible height for the site is determined by the sun access plane 'Hyde Park West 3'.</p> <p>Refer to Clause 6.17 of the LEP table below.</p>
4.4 Floor Space Ratio 6.4 Accommodation floor space	Yes	<p>Clause 4.4 of the Sydney LEP 2012 stipulates a base floor space ratio (FSR) of 8:1, with Clause 6.4 providing an opportunity for a further 4.5:1 of floor space uses (in this instance retail). This equates to a maximum permissible FSR of 12.5:1.</p> <p>The proposed development has an FSR of 9.80:1 (34,067.5sqm) which complies.</p>

Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The subject site is heritage listed under the Sydney LEP 2012 (I1697).</p> <p>The application proposes to create new entries to the chamfered corners of the building, replace the existing Market Street entry with a window display and modify the awning, all of which are listed as being of high significance (with the exception of the Market Street entry which has moderate significance) within the Conservation Management Plan for the site.</p> <p>Internally, it is proposed to remove a number of heritage elements at lower ground and ground floor, including the heritage stair between the two levels, the pedestal and statue within the existing Market Street entry, and the staff lifts. The heritage fabric will be removed, salvaged and stored on-site for re-use.</p> <p>Other alterations to the heritage listed building are generally confined to non-significant areas.</p> <p>Conditions are recommended to minimise adverse heritage impacts. See discussion under the heading Issues.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.4 Accommodation floor space	Yes	<p>The site is located in 'Area 2', and is eligible for additional accommodation floor space of up to 4.5:1 of the site area for retail use. This accommodation floor space has been included in the collective permissible FSR for the development, as discussed elsewhere in this report.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.17 Sun access planes	Yes	<p>The permissible height for the subject site is governed by the sun access plane for 'Hyde Park West 3'.</p> <p>The application proposes external works at ground floor and ground floor mezzanine, 5.16m above ground level. The works have no impact on the existing height of the building, and are well within the sun access plane.</p>
6.21 Design excellence	Yes	<p>The proposed external alterations to the existing entries and shopfronts have been designed to respect the heritage significance of the site, with the use of bronze and copper materials, and the reuse and/or salvaging of window and door framing.</p> <p>Although the new entries and associated alterations will permanently alter how the store is entered, it is noted that changing the entrances is essential to activate the ground floor and capture street level pedestrian foot traffic. The proposal will provide accessible and on-grade entries, and relocate the existing pavement lights to a more suitable location along the Market Street frontage due to the minor improvements proposed to the public domain.</p> <p>The proposed alterations are a positive outcome for the site in order to support the ongoing use of the building as the flagship David Jones store.</p> <p>The proposed development satisfies the requirements of this provision.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.9 Car parking ancillary to other development	Yes	<p>The site contains a loading dock accessed from Elizabeth Street, with no car parking spaces provided.</p> <p>The application does not seek to propose any changes to the provision of car spaces within the development.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 5 Acid Sulphate Soil. Whilst some minor excavation is proposed (<1m below ground level), it is unlikely to disturb any contaminated Acid Sulphate Soil.</p>

Sydney DCP 2012

51. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – College Street/Hyde Park Special Character Area

The subject site is located in the College Street/Hyde Park Special Character Area. The application proposes external alterations at ground floor only, with no impact on the overall height of the existing building, or the setting and views to and from Hyde Park.

3. General Provisions	Compliance	Comment
3.1.1.4 Footpaths	Yes	<p>The relocation of the store entries at the corners of Elizabeth, Market and Castlereagh Streets will result in minor reconstruction of the public domain to provide accessible and on-grade entries.</p> <p>The proposed public domain works have been reviewed by the City's Public Domain Unit and appropriate conditions are recommended.</p> <p>The proposed works are an improvement on existing conditions, and will allow pedestrians, regardless of mobility impairments, to be able to move comfortably and safely in accordance with Section 3.1.1.4 of the Sydney DCP 2012.</p>

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposal will contribute positively to public domain. The relevant sections are detailed below.
3.2.2 Addressing the street and public domain	Yes	The application proposes 2 new entries at ground floor to the chamfered corners of the building on Market Street and Elizabeth Street to the east, and Market Street and Castlereagh Street to the west. The Elizabeth Street entry in particular has been designed to provide an accessible entry in accordance with Section 3.2.2 of the Sydney DCP 2012.
3.2.3 Active frontages	Yes	The introduction of 2 new entries, and other alterations to window displays at ground floor seek to maximise the active frontages provided by David Jones, and will provide pedestrian interest and interaction as per Section 3.2.3 of the Sydney DCP 2012. The external alterations will not result in a reduction of transparent glazing.
3.2.4 Footpath awnings	Yes	The new entries at ground floor will be accentuated by new raised awnings. The existing entry bulkheads are to be removed, and two new larger suspended awnings are to be installed. The new awnings are fitting of the heritage nature of the building, and are compatible with the scale and design of the existing awnings. The proposed alterations to the appearance of the awnings at ground floor are consistent with Section 3.2.4 of the Sydney DCP 2012 and are acceptable.

3. General Provisions	Compliance	Comment
3.2.7 Reflectivity	Partial compliance	<p>The application proposes a bronze film to be applied internally to the windows on levels 1 to 6 of each chamfered corner of the building.</p> <p>The bronze colour is compatible with the sandstone facade, is readily reversible and is a non-intrusive way of emphasising the new primary entries. However, it is unclear whether there will be any reflectivity issues resulting from its installation. It is recommended that a condition be imposed requiring certification that the light reflectivity from the facade will not exceed 20%.</p>
3.2.8 External lighting	Yes	A condition has been imposed for all external lighting to be subject to a separate development application.
3.6 Ecologically Sustainable Development	Yes	The proposal is able to comply with Section J of the Building Code of Australia, which contains provisions relating to energy efficiency.
3.9 Heritage	Yes	<p>The David Jones Elizabeth Street store is heritage listed under the Sydney LEP 2012 (L1697) and is accompanied by a Heritage Impact Statement and a Conservation Management Plan.</p> <p>Refer to Issues Section for further discussion.</p>
3.12 Accessible Design	Yes	<p>The application seeks to retain access to Castlereagh Street via a platform lift, and will be providing a new accessible entry on the corner of Elizabeth and Market Streets.</p> <p>A condition has been recommended for the proposed access and facilities for persons with disabilities to be designed in accordance with the DCP and the BCA.</p>

3. General Provisions	Compliance	Comment
3.14 Waste	Yes	<p>A waste room is proposed at basement level, with collection to occur via the ground floor mezzanine loading dock.</p> <p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p>
3.16 Signage and Advertising	Yes	<p>The application proposes the removal of existing external signage, and new awning and shopfront signs in locations to be determined. No detail has been provided with regard to materiality, dimensions or illumination.</p> <p>Section 3.16.1 of the Sydney DCP 2012 requires the submission of a signage strategy for any heritage listed buildings that propose signage. As such, it is recommended that no signage be approved as part of this application, and a condition be imposed requiring a separate signage strategy application to be submitted to Council. Refer to Attachment A.</p>

5. Specific Areas	Compliance	Comment
5.1 Central Sydney		
5.1.6 Building Exterior	Yes	<p>The external alterations to the building entries at ground floor will positively contribute to the streetscape through the use of bronze and copper detailing, and the salvaging and reuse of existing framing along the exterior and within the building.</p> <p>The metal door to the loading dock is generally supported as it will screen off servicing areas. An appropriate condition is to be imposed to ensure that the colour is consistent with the overall character and aesthetic of the building.</p> <p>The proposed works respect the heritage significance of the building whilst identifying as contemporary, and the predominant masonry character and articulation of the building is retained in accordance with Section 5.1.6 of the Sydney DCP 2012.</p>

Issues

Heritage

52. The David Jones Elizabeth Street Store is heritage listed under the Sydney LEP 2012 (I1697), encompassing the interior and exterior of the building. The site is also located within the College Street/Hyde Park Special Character Area.
53. The application is accompanied by a Heritage Impact Statement, and Conservation Management Plan (CMP) prepared by Weir Phillips Heritage. The HIS concludes that whilst the proposed works will have an impact on the significance of the building, it will support and provide for the ongoing use of the building for its original and best use.
54. The proposed internal works comprise for the most part, works to building services and retail refurbishment. The majority of these works respect and support the significance of the building by conserving original fabric and are consistent with the CMP for the site.

55. The application was referred to the City's Heritage Specialist who advised that whilst the proposed works are extensive, and will affect a substantial amount of original fabric, the proposal facilitates the ongoing use of the flagship David Jones store which is an integral component of its significance. On balance, the works will result in a positive outcome for the site given the loss of the original George Street David Jones Store (345-363 George Street) and the upcoming closure of the Market Street David Jones store (65-77 Market Street). Any negative impacts of the proposed works will be ameliorated by the conservation and re-creation of essential spatial experiences of the building, and by the salvage, storage, re-use and interpretation of changed fabric in the new works. An analysis of the heritage impact of the proposed works is provided:

Relocation of the ground floor entries and other external works

56. The application proposes to provide two new principal store entries at the chamfered corners of the building on Market/Elizabeth Street to the east, and Market/Castlereagh Street to the west. Photomontages of existing and proposed conditions at the Market/Castlereagh Street chamfered corner are provided below.



Figure 30: Photomontage of the existing chamfered corner of the David Jones store (Elizabeth/Market).



Figure 31: Photomontage of the proposed chamfered corner of the David Jones store (Market/Castlereagh)

57. The relocation of the entries will result in the following internal and external alterations:
- (a) Reconfiguration of the existing suspended awning to accommodate a modern entry portico at both chamfered corners;
 - (b) Removal of a triangular section of the level 1 floor plate to facilitate a double height entrance vestibule to each new entry;
 - (c) Replacement of the existing Market Street entry doors with a shopfront window display. The window frame of the existing Market/Castlereagh Street shopfront is to be reused at this elevation. The Market Street entry doors are to be re-used at level 7 mezzanine;
 - (d) Black granite facade from the existing Market/Castlereagh Street and Market/Elizabeth Street shopfront windows to be relocated; and
 - (e) Pavement lights directly in front of the Market/Elizabeth Street chamfered corner to be removed and relocated to below the proposed new window on the Market Street elevation.
58. The new ground floor entries and the proposed fascia of the suspended awnings are to utilise traditional materials such as pressed bronze and copper. The new suspended awnings above each entry will delineate each corner and are to be constructed of black aluminium composite panel which is a sympathetic response to the existing awnings in place whilst being identifiably modern.
59. Relocating the entrances to the chamfered corners, and the subsequent modification to the existing awning will have an impact on the significant fabric as it will permanently alter how the store is entered. However, it is noted that changing the entrances is essential to activate the ground floor and capture street level pedestrian foot traffic. On balance, this is an acceptable and necessary change to ensure the continued viability of the store.

60. The replacement of the Market Street entry with a new shop window is considered to have an acceptable impact on the heritage significance of the site given its current moderate ranking in the CMP. The window frame is to be relocated from the Market Street/Castlereagh Street chamfered corner, and the entry doors are to be reused within the level 7 mezzanine. The existing signage bulkhead above the current entry (and to entries on Elizabeth and Castlereagh Street) will also be removed and the underside of the awning restored to match surrounding finish. The removal of the bulkhead in particular will create a more consistent elevation along Elizabeth, Castlereagh and Market Streets which better reflects the original appearance of the building at construction.
61. The relocation of the pavement lights from the Market Street/Elizabeth Street corner to the Market Street frontage of the site will allow for an accessible entry. The pavement lights are original, however they are not currently being used for their intended purpose (providing natural light to the floor below) and will present as a slip hazard if left in its current position. The pavement lights being utilised within the Market Street frontage will provide better streetscape consistency and their relocation is acceptable.

Proposed changes to vertical circulation

62. The proposal seeks to demolish three existing staff lifts in the north-west corner of the site and reconfigure the existing heritage lift banks (that are currently not in use) to accommodate four additional express lifts at basement, lower ground, ground floor, ground floor mezzanine and levels 1 to 4. Express lifts have been approved at all other levels under D/2017/371.
63. The impact of the proposed reconfiguration of the lift bank to accommodate new express lifts, and the proposed salvage and installation of heritage lifts surrounds as part of the new lift bank will have a positive heritage impact by restoring the iconic bank lifts to their original condition and appearance.
64. The removal of the staff lift shafts, however, will have some heritage impact on the significance of the David Jones store as they are original elements. The lift shafts will be infilled to accommodate service risers, with an interpretation and understanding of the location and purpose of the former staff lifts to be provided.
65. The incremental reduction of the original lift bank has had a negative impact on the store, and the reinstatement of the express lifts for public use will give a clear understanding of its heritage significance. The interpretation of the location and importance of the former staff lifts is supported.
66. In addition to the above, the application proposes the stripping of existing escalator finishes and the application of new finishes, and changes to the perimeter balustrade around the escalator void at all levels subject to this application. All associated escalator works will have minimal heritage impact.

Basement level works

67. The change of use of the basement level from back of house to retail, and the subsequent installation of additional customer lifts (via the express lift bank) and a new escalator to lower ground floor will have an acceptable impact on the significance of the site.

68. Although the historic use of the basement has been as a storage (and general back of house) area, the only areas of heritage significance relate to the remnant timber framing and doors of the Fur Storage Room, the York door and the fire doors. Any negative impacts can be mitigated by archival recording and retention of these heritage features (either in situ or interpreted). The proposed alterations at basement level are otherwise acceptable.
69. It is recommended that a condition be imposed requiring the remnant timber framing and doors of the Fur Storage Room, the York door and the fire doors to be salvaged, conserved in situ or if it can be demonstrated that it is not feasible, salvaged and retained for interpretation

Extended Construction Hours

70. The application proposes to carry out internal construction 24 hours a day, 7 days a week, which is outside of the City's standard construction hours. The Construction Noise Assessment accompanying the proposal outlines the use of hammers, hand tools (including grinders and hammering) for the removal and strip out of services, partitions and removal of internal structure; concrete saws and/or splitters to cut concrete slabs, as well as jack hammers for structural works; and power tools for fit-out works. All deliveries associated with the construction works are to be undertaken during the day and night time using the existing loading dock along Elizabeth Street.
71. The subject site is located in close proximity to 4 sensitive noise receivers, being:
- (a) Westfield Sydney located directly opposite the site, with retail tenancies at podium level, and commercial/office tenancies in the tower above (188 Pitt Street).
 - (b) A 20 storey commercial office building adjoining the site to the north, known as St James Centre (107-111 Elizabeth Street).
 - (c) A 7 storey commercial building containing retail and office tenancies at 83-87 Market Street, located directly south of the subject site.
 - (d) The Queens Club, a 5 storey building providing hotel accommodation at 135 Elizabeth Street located opposite the site to the south. It is noted that a 16 storey residential apartment building at 141-143 Elizabeth Street, is located 50m from the subject site, however is not considered to be affected by the proposed extended construction hours.
72. All sensitive noise receivers are depicted in the map below:

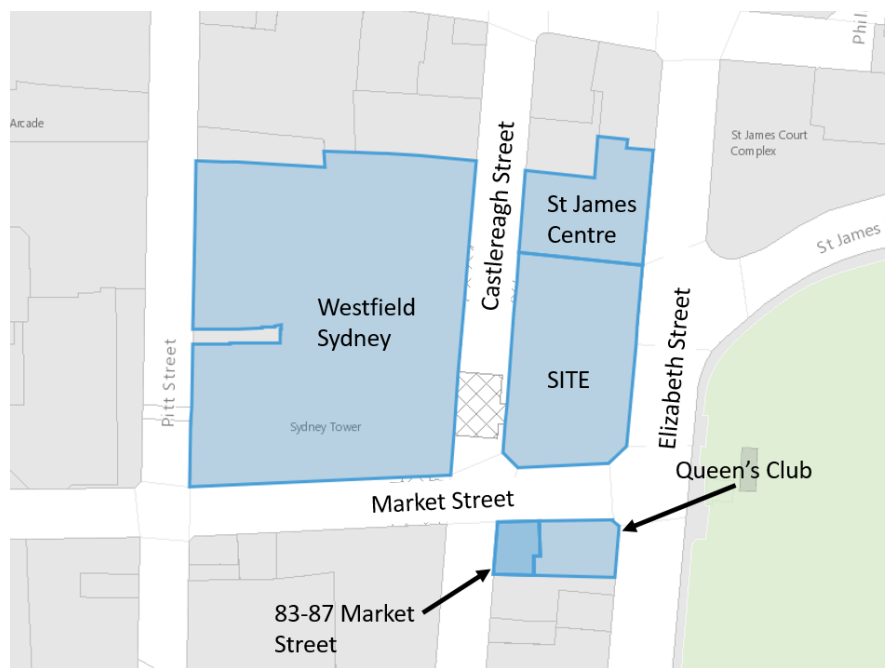


Figure 32: Map of subject site and nearest sensitive noise receivers affected by extended construction hours

73. The Construction Noise Assessment outlines recommendations to minimise the noise impact from the extended hours of operation proposed as follows:
 - (a) All works to the external facade of the building is to be conducted during normal day time working hours;
 - (b) All building openings are to be closed during evening and night time hours;
 - (c) Entry doors through the building are to be closed whilst noisy works are being carried out during evening and night time hours;
 - (d) Construction appliances are not be utilised within the loading dock area;
 - (e) Activities associated with the removal of structural elements of the building, such as openings for future stairs and the like, are to be conducted during normal working day time hours; and
 - (f) Internal fit-out works can be conducted during the proposed 24 hour trading period providing the existing building facade is closed.
74. The Preliminary Construction Management Plan and Construction Traffic Management Plan submitted with the application also identifies adjoining neighbours being notified when any disruptive works are to be carried out, with continual communication between all parties. During the works, a complaints process is proposed to be available, with a point of contact to direct all queries from surrounding buildings.
75. The acoustic assessment has been peer reviewed by the City's Environmental Health Unit who has advised that the proposal is considered acceptable.

76. As such, conditions are recommended to be imposed requiring the construction works to comply with the submitted Construction Noise Assessment and Construction Management Plan; and no approval for intrusive appliances.
77. Given the close proximity of the site to the works associated with the Sydney Light Rail Project, the applicant is also required to submit a Construction Traffic Management Plan to TfNSW for approval prior to the commencement of any works.
78. All proposed conditions are provided at Attachment A.

Other Impacts of the Development

79. The proposed development is capable of complying with the BCA.
80. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

81. The proposal is of a nature in keeping with the overall function of the site. The premises are in a primarily commercial surrounding and amongst similar uses to that proposed.

Internal Referrals

82. The application was referred to the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; and Surveyors who advised that the proposal is acceptable subject to the recommended conditions.
83. The conditions of other sections of Council have been included in the proposed conditions in Attachment A.

External Referrals**Notification, Advertising and Delegation**

84. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 12 October 2017 and 10 November 2017, no submissions were received.

Public Interest

85. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S61 Contribution

86. The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2003. An appropriate condition has been included in the recommendation of this report.

Relevant Legislation

87. The Environmental Planning and Assessment Act 1979.

Conclusion

88. The development has an overall height of 50m, a floor space ratio of 9.8:1 and a gross floor area totalling 36,644.2sqm, which is consistent with the maximum height and floor space ratio development standards permitted for the site under the Sydney LEP 2012.
89. The proposed internal works comprise for the most part, works to building services and retail refurbishment. The majority of these works respect and support the significance of the building by conserving original fabric. The external works to the building at ground floor, particularly the new entries and associated suspended awnings at each of the chamfered corners of the site, and the replacement of the existing Market Street entry with a window display will have some heritage impact. However, the alterations have been assessed as being necessary in order to maintain the ongoing commercial use of the building by David Jones. Where necessary, appropriate conditions have been recommended to achieve an appropriate heritage outcome for the site.
90. The application proposes to carry out these works 24 hours a day, 7 days a week, which is outside of the City's standard construction hours. Conditions are recommended to minimise any adverse construction noise and safety impacts on surrounding development as a result of the extended hours.
91. The proposal is generally consistent with the relevant LEP and DCP planning controls for the site. Accordingly, the DA is recommended for approval, subject to conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Jessica Symons, Specialist Planner)

This page is intentionally left blank