

Relevant Information for Central Sydney Planning Committee

FILE: D/2021/1504 **DATE:** 15 September 2022

TO: The Central Sydney Planning Committee

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant to Item 4 – Development Application: 372-382A Pitt Street, Sydney - D/2021/1504

Alternative Recommendation

It is resolved that:

- (A) deferred commencement consent be granted to Development Application No. D/2021/1504, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 15 September 2022, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

Part B – Recommended Conditions of Consent

Schedule 1A

(9) FURTHER INVESTIGATIONS AND ASSESSMENTS MUST BE PREPARED PRIOR TO DESIGN COMPETITION

(b) Survey – Fabric Investigation of the Existing Buildings

Measured plans, cross-sections and front elevations, ~~as well as a detailed fabric investigation of the front façades, awnings and front bays of commercial terraces, including both structural and architectural elements. The surveyed drawings and fabric investigation~~ must be included as an appendix to the competitive design brief. ~~The fabric investigation and~~ ***The detailed*** surveyed drawings should be used to inform the future design development and develop the schedule of heritage conservation work.

(c) Structural Strategy

~~A structural report prepared by a practicing structural engineer experienced in dealing with heritage buildings/retaining historic fabric must be prepared prior to the commencement of any competitive design process. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined by the proposed development having regard to the underground site constraints. The structural report is to inform the future design development and must be included as an appendix to the competitive design brief.~~

(9A) FURTHER INVESTIGATIONS AND ASSESSMENTS MUST BE PREPARED PRIOR TO ANNOUNCEMENT OF DESIGN COMPETITION WINNER

(a) Survey - Fabric Investigation of the Existing Buildings

A detailed fabric investigation of the front facades, awnings and front bays of commercial terraces, including both structural and architectural elements is to be prepared and submitted to Council prior to the announcement of a design competition winner. The fabric investigation and surveyed drawings of the existing buildings must be used to inform the future design development and develop the schedule of heritage conservation work.

(b) Structural Strategy

A structural report prepared by a practicing structural engineer experienced in dealing with heritage buildings/retaining historic fabric must be prepared and submitted to Council prior to the announcement of a design competition winner. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined by the proposed development having regard to the underground site constraints. The structural report is to inform the future design development of any subsequent detailed (Stage 2) development application.

- (B) the amended 'Design Excellence Strategy' for 372-382A Pitt Street, Sydney, prepared by Urbis and dated August 2022, as shown in Attachment D to the subject report, be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy.

Background

On 14 September 2022, the subject applicant requested the below amendments to the recommended conditions of consent.

The amendments to Conditions 9(b) and (c) are primarily requested due to concerns of the timing in which these conditions are required to be satisfied (prior to the commencement any design competition).

(9) FURTHER INVESTIGATIONS AND ASSESSMENTS MUST BE PREPARED PRIOR TO DESIGN COMPETITION

(b) Survey – Fabric Investigation of the Existing Buildings

Measured plans, cross-sections and front elevations, as well as a detailed fabric investigation of the front façades, awnings and front bays of commercial terraces, including both structural and architectural elements. The surveyed drawings and fabric investigation must be included as an appendix to the competitive design brief. The fabric investigation and **The detailed** surveyed drawings should be used to inform the future design development and develop the schedule of heritage conservation work.

(c) Structural Strategy

A structural report prepared by a practicing structural engineer experienced in dealing with heritage buildings/retaining historic fabric must be prepared prior to the commencement of any competitive design process. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined by the proposed development having regard to the underground site constraints. The structural report is to inform the future design development and must be included as an appendix to the competitive design brief.

(9A) STRUCTURAL STRATEGY AND FABRIC INVESTIGATION

(a) A detailed fabric investigation of the front facades, awnings and front bays of commercial terraces, including both structural and architectural elements is to be provided with any subsequent detailed (Stage 2) development application for the site. The fabric investigation and surveyed drawings of the existing buildings should be used to inform the future design development and develop the schedule of heritage conservation work.

(a) Structural Strategy

A structural report prepared by a practicing structural engineer experienced in dealing with heritage buildings/retaining historic fabric must be prepared and submitted to Council prior to the lodgement of any subsequent detailed (Stage 2) development application for the site. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined by the proposed development having regard to the underground site constraints.

The applicant's justifications for their request to amend Condition 9(b) and delete Condition 9(c) is summarised in Table 1 below.

Table 1: Proposed changes to conditions submitted to Council on 14 September 2022

Condition	Comment
Amend Condition 9(b)	Our recommended amendments to the wording of Condition 9(b) propose that we would provide the measured plans, cross-sections and front elevations as an appendix to the competition brief, which will be used to inform the future design development and develop the schedule of heritage conservation work.

Condition	Comment
	<p>Condition 11 ('Detailed Design of the Building') establishes several design requirements relating to the retention of the existing historic facades and front bays for competitors to address as part of their competition schemes.</p> <p>We further note that the attached Heritage Impact Statement which was submitted to the Council post-lodgement on 21 March 2022 includes 'Fabric Analysis' which provides competitors further information on the fabric of the existing buildings (which we will ensure is captured within the design competition Brief). Any additional detailed fabric investigations beyond those already carried out are proposed to be undertaken post-competition, and worked through with the winning competitor. This information will then be submitted as part of any subsequent detailed (Stage 2) DA. We consider this alternative wording to be appropriate.</p>
Delete Condition 9(c)	<p>Condition 9(c) is similar to Condition 15 ('Structural Integrity of Retained Buildings'), appears to overlap to a certain extent with the proposed requirements of Condition 9(c), and more appropriately (in our view) requires a detailed Structural Report and certification to be submitted for the detailed design as part of any subsequent detailed (Stage 2) DA. We are happy to accept Condition 15.</p> <p>At this stage in the development, there is no defined structural solution, known extent of excavation and groundwork, resolution in design, allocation of floor space, mix of land uses, materiality or any other specific detail known which would greatly influence the ultimate structural solution and detailed resolution of retaining the existing historic (but not heritage listed) buildings on the site.</p> <p>This level of reporting is in our experience not typically required at such an early stage in the development, especially for buildings that are not heritage listed and therefore do not contain significant heritage fabric (even if retained). Therefore, our preference would be to strike out and remove this condition entirely (noting that this is largely already covered by Condition 15). However, we have proposed some alternate wording which we consider to be appropriate in this instance.</p>
Insert Condition 9A	<p>Insert a new condition to enable the Structural Strategy and Fabric Investigation to be provided prior to lodgement of any subsequent (Stage 2) development application.</p> <p>(It is noted that the applicant's request notes this as Condition 10. As to avoid confusion, this is revised to Condition 9A.)</p>

The requested changes are partially supported for the reasons as discussed below.

1. The proposed amendment to **Condition 9(b)** is partially acceptable as:
 - (a) The applicant's amendments will still require measured plans, cross-sections and elevations of the existing building fabric to be included as an appendix to the design competition brief.
 - (b) Condition 11 establishes clear guidelines for the competitive design process brief and the subsequent design of the detailed development application. The intent for meaningful retention of specific elements of the existing fabric is outlined in Condition 11, including existing facades of Nos. 374-382A Pitt Street, at least one bay deep of party walls to be retained, and excavation of the basement levels must not undermine footings of the retained facade.
 - (c) The submitted Heritage Impact Statement (HIS) prepared by Urbis dated 21 March 2022 was based on the original scheme (which proposed demolition of all existing terraces). As such, the HIS does not include any recommendations for the retention of existing fabric. While it is acknowledged that the existing terraces are not heritage items, the proposal (as amended) has been assessed as acceptable on merits, these planning merits includes the proposed retention of historic building fabric. An updated detailed fabric investigation including recommendations is therefore considered prudent for this investigation to be undertaken at an early stage.
 - (d) It is recommended that the requirement for a detailed fabric investigation is deferred to be submitted to Council prior to the announcement of any design competition winner (as new **Condition 9A**). This will provide certainty that the detailed fabric investigation will inform and be incorporated into the design development of the future detailed (Stage 2) development application.
2. The proposed deletion of **Condition 9(c)** is not supported as:
 - (a) The site is encumbered by numerous underground constraints including a Sydney Water Sewer Main, Sydney Metro and Sydney Trains Reserves. The site also adjoins local heritage items to the east and south. The proposed development (as modified to retain the facades of all but the most northern terrace, as well as maximise retention of existing building fabric of at least one bay deep) is not accompanied by updated Structural Strategy.
 - (b) The intent of Condition 9(c) is to ensure that competitors are provided with structural recommendations to inform their detailed development design. It also ensures that the structural implications are considered and incorporated at an early stage, not prior to lodgement of the Stage 2 development application.
 - (c) Deferring the structural report to be required prior to the lodgement of the detailed (Stage 2) development application increases the level of risk for the retention of building fabric, particularly having regard to the underground site constraints.
 - (d) Condition 15 is not a duplicate of Condition 9(c). Condition 15 requires a revised Structural Strategy to be provided which reflects the winning scheme and subsequent Stage 2 development application. The structural report must outline how the retained building elements of the detailed development application will be retained, supported and not undermined.

- (e) It is recommended that the timing for submission of the Structural Strategy to Council be deferred to prior to the announcement of any design competition winner (as **Condition 9A**).
3. The proposed insertion of a new Condition 9A is supported subject to modifications as discussed in (1)(d) and (2)(e) above. This will provide additional time for the applicant to undertake the required investigations and assessments, whilst providing certainty that recommendations and findings of these reports will be incorporated into any subsequent detailed Stage 2 development application.

Prepared by: Jessica Joseph, Specialist Planner

Attachments

Attachment A. Applicant's Request to Amend Recommended Conditions

Approved



GRAHAM JAHN AM

Director City Planning, Development and
Transport