From: John Knight <

on behalf of John Knight <

<John Knight

Sent on: Monday, June 24, 2024 2:00:39 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: Linsay Knight (home) <

Subject: Submission - D/2024/446 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Jessica

We live in an apartment on the 13th floor of the Seidler building known as North - 85-91 Goulburn St - on the south side of Goulburn St between Pitt and Castlereagh Sts.

In this building the windows in all the apartments face north (hence the name of the building) directly towards the proposed 60 story hotel development at 372-374 Pitt Street.

The apartments enjoy intermittent direct sunshine throughout some of the day, blocked of course from time to time by the towers of the Industrial Court, the Masonic Centre, the Ibis Hotel and World Square.

We are concerned that this new tall building will further reduce our hours of direct sunlight.

Going through the DA documents on the City of Sydney website we cannot find that a detailed shadowing study has been done to assess the impact of the new tower on the mix of sunlight and shade on nearby buildings, particularly those to the south, like ours.

Please advise if a shadowing study is available, and if not, whether one can be required.

Thanks for your attention to this request.

Linsay and John Knight 43/85-91 Goulburn Street Haymarket

Prof JF Knight |

From:	Harry Cheuk <	on behalf of Harry Cheuk
	<	<harry <<="" cheuk="" th=""></harry>
Sent on:	Friday, July 12, 2024 2:30:17	PM
To:	City of Sydney <council@city< th=""><th>ofsydney.nsw.gov.au></th></council@city<>	ofsydney.nsw.gov.au>
CC:	Saeid Askarian <	
Subject:	Objection to proposed develop	oment at 372-382 Pitt Street, Sydney (D/2024/446)
Attachments	: 240617-CoS letter-D2024-446	6.pdf (497.97 KB), 20240216125543875.pdf (3.7 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To: City of Sydney Manager Planning Assessments Mr Bill MacKay

Dear Mr MacKay

I refer to your letter dated 17 June 2024 seeking our view on the proposed hotel and retail development at 372-382 Pitt Street, Sydney under development application no. D/2024/446. (See Council letter attached). I understand that the subject DA is for proposed "detailed design" of the development at the above address.

We are authorised representatives of the following Superannuation Funds who are the joint owners of Strata Unit no. 1004 in the adjacent commercial building at 370 Pitt Street, Sydney:

- Askarian Superannuation Fund
- Cheuk Superannuation Fund

Reasons for lodging an objection:

- 1. The existing building at 370 Pitt Street, as approved by the City of Sydney relies on the open space in the adjacent laneway (i.e. Carruthers Place) for the operation of the following fire safety and health/amenity aspects:
 - a. Mechanical ventilation of the office building and carpark ventilation systems,
 - b. Fire stairs egress passageway from the building to the footpath on Pitt Street,
 - c. Stair pressurisation fresh air intake from the air space over the laneway,
 - d. Safe access by the Fire Rescue NSW (FRNSW) to the Fire Control Room and fire hydrant and sprinkler booster valves via the laneway.
- 2. Approval of the proposed development will have adverse impacts on the above essential fire safety and health/amenity measures and will downgrade the fire safety of the building in 370 Pitt Street.
- 3. A search of the previous development and building approval documents showed that the construction of the building at 370 Pitt Street was subject to the above fire safety measures being provided over and along the existing laneway. A brief summary of the history of previous planning approvals and council correspondences (see attached) are presented in the next section for your information.

History of previous planning approvals and council comments:

- 1. City of Sydney granted consent for the development of 370 Pitt street with the DA & BA approvals subject to the condition that the development was built with no obstruction to the existing laneway. In other words, City of Sydney has approved the building (DA and BA) at 370 Pitt St with:
 - two fire stairs discharging to the laneway (minimum of two metres of exit) and in turn to the footpath in Pitt St,
 - safe access by the FRNSW to the Fire Control Room and fire hydrant and sprinkler boosters from the laneway,
 - mechanical ventilation to the building (supply, exhaust and stair pressurisation intake) over the air space of the laneway,
- 2. Please refer to the attached document from the Building Approval file held by the City of Sydney in relation to the subject

laneway. It appears that it was recommended in July 1990 and approved by Council to change the laneway to a public road. This would have been part of the DA and BA approvals of 370 Pitt St.

- 3. We understand that the laneway was sold recently by Council to someone and Council had ignored the above matters, which was not right. This appears to be in breach of Council's base building approval and Council's recommendations to change the laneway to a public road.
- 4. The construction of the proposed loading dock (in the subject DA) in the laneway or any modification to the laneway will be in breach of Council's approvals and recommendations to change the laneway to a public road.
- 5. Council will add to their previous mistakes by approving the proposed loading dock as shown in the submitted drawing for the proposal.
- 6. Council must not approve the loading dock as shown on the submitted plans or any structure or building elements or any obstruction over any part of the laneway and must place a condition for the establishment of an easement/covenant to prevent any future obstruction over the full width of the laneway, otherwise Council will be in breach of their previous approvals for the construction of 370 Pitt St. Also, if approval is granted for the proposed loading dock or any building works within the laneway, it will make 370 Pitt St unsafe for its occupants and will have adverse impact on the health and amenity of the occupants in 370 Pitt St.

While the proposed development, if approved and constructed, will have adverse impacts on the fire safety and health/amenity of the whole building at 370 Pitt Street, it is understood that the Strata Committee is also preparing an objection for this DA.

We sincerely hope that the Council will look seriously into this matter and ensure the assessment of all related DA's (Including the concept DA no. D/2024/36 and the detailed design DA D/2024/446) for the proposed development will not result in the impairment of the fire safety and health/amenity of our building, in which case the Council will be held liable for any undesirable consequences.

We look forward to receiving your reply in response to the concerns we raised above.

Regards

Saeid Askarian (For and on behalf of ASKARIAN Superannuation Fund), and

Harry Cheuk (For and on behalf of CHEUK Superannuation Fund)

CITY OF SYDNEY ④

City of Sydney Town Hall House 456 Kent Street Sydney NSW 2000 +61 2 9265 9333 council@cityofsydney.nsw.gov.au GPO Box 1591 Sydney NSW 2001 cityofsydney.nsw.gov.au

17-Jun-2024

Askarian Pty Ltd And W & M Cheuk Pty Ltd 1004/362-370 Pitt St SYDNEY NSW 2000

Applicant name: WELL SMART INVESTMENT HOLDING (AUST) PTY LTD

Reference number: D/2024/446

Site address: 372-382A Pitt Street, SYDNEY NSW 2000

Proposed development:

Detailed design proposal for demolition of structures, excavation, remediation and construction of a 60 storey mixed-use hotel and ancillary retail development with basement level, vehicular and loading access from Carruthers Place. The application is being assessed concurrently with the amending DA for the concept building envelope D/2024/36.

Consent Authority:

Central Sydney Planning Committee (under delegation of the Minister for Planning)

Well Smart Investment Holding (AUST) Pty Ltd has submitted a State Significant development (SSD-65204458) application (Council Ref D/2024/446) located at **372-382A Pitt Street, Sydney** in the City of Sydney Local Government Area. As part of our assessment, we are notifying surrounding neighbours and property owners to seek their views on the proposal.

The SSD application including the Environmental Impact Statement (EIS), will be on public exhibition from **Monday 17 June 2024** until **Monday 15 July 2024**. These documents can be viewed at:

City of Sydney website: https://online2.cityofsydney.nsw.gov.au/DA

Department of Planning, Housing and Infrastructure website: https://www.planningportal.nsw.gov.au/major-projects/projects/hotel-372-382a-pitt-street-sydney-0

We encourage you to review all documents to understand the details of the proposal. Guidance to prepare your comments is on the **City of Sydney** website and on the back of this page.

A liquor licence application may be lodged with Liquor & Gaming NSW in relation to this development application. To access information about the licence application and/or to make a submission about the licence application please go to https://www.liquorandgaming.nsw.gov.au/community-and-stakeholders/have-your-say/community-consultations/liquor-and-gaming-application-noticeboard or call 1300 024 720.

If a submission is made by way of objection, the grounds of objection must be specified in the submission.

Privacy statement: Before making your submission, please read the Department's Privacy Statement at www.planning.nsw.gov.au/privacy or call 1300 305 695 for a copy. The Department may publish your submission on its website in accordance with the Privacy Statement.

Bill MacKay Manager Planning Assessments

Property owned/occupied by addressee: Suite 1004/362-370 Pitt Street SYDNEY NSW 2000 Green, Global, Connected.

Providing feedback on development proposals

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- If you would like to comment on the proposal, you can email your feedback before the closing date at ePlanning search - city.sydney/find-da (preferable) or by posting to City of Sydney, GPO Box 1591, Sydney NSW 2001, including the relevant application number and address. If your feedback is an objection, your reasons should be clearly given. We would like to know about the issues that are important to you.
- 2. City of Sydney employees assess applications against planning criteria in local planning controls and state legislation. You can view the planning controls on our website at cityofsydney.nsw.gov.au/development-control-plans.
- 3. We will send you a letter or email confirming we have received your feedback and will carefully consider it as part of the assessment.
- 4. Any feedback about this development will **not** be kept confidential and will be made completely available on the City of Sydney's website as explained in the terms and conditions of making a submission in ePlanning search.
- 5. If you want some or all identifying information about you to be private, instead of using ePlanning search send your feedback to <u>council@cityofsydney.nsw.gov.au</u>. You must include the relevant application number, and the site address in your email. Tell us what identifying information you want kept private in the first paragraph of your feedback. We will still publish your feedback but with information which may identify you withheld.
- 6. Feedback is routinely placed on the NSW Planning Portal. Even when your privacy is requested, personal information within these copies will be available in the portal to applicants and external agencies.
- 7. If amendments are made to the application before determination and City of Sydney employees consider these to be minor or to reduce impacts, you will not be notified again. However, we will contact you if significant changes are made to the current proposal.
- 8. The Local Planning Panel or the Central Sydney Planning Committee will directly determine more significant or contentious applications. The committee deals with applications valued over \$50 million. Applications that involve minor development or less complex issues will ordinarily be determined under delegation of Council, by the Director of City Planning, Development & Transport.
- 9. If the application is to be determined by the Local Planning Panel, City of Sydney employees will contact people who provided feedback, wherever possible. Due to the short timeframe from when an agenda is published to the meeting taking place, it is not always practical to post a letter to people who commented. We ask you to include a daytime phone number or email address, so we can contact you quickly.
- 10. The Local Planning Panel generally meets every second Wednesday. The Central Sydney Planning Committee generally meets every 3 weeks on Thursday evenings. The public is welcome to attend these meetings, which are held in the Council Chambers at Sydney Town Hall, 483 George Street. Contact Secretarial on 02 9265 9333 to find out the dates and times of the next meetings. You can ask to speak at committee meetings, and if this is possible, you will have three minutes to present your issues.
- 11. Agendas and reports for committee are generally available one week before the meeting on the City of Sydney's website, <u>meetings.cityofsydney.nsw.gov.au</u>. Copies are also available free of charge from our customer service centre at Town Hall House and our neighbourhood service centres in Glebe, Green Square and Kings Cross.
- 12. When a final decision is made about an application, we will inform everyone who gave feedback about the outcome. For development proposals determined by the Local Planning Panel or Central Sydney Planning Committee, the minutes of meetings will be available on the City of Sydney's website.
- 13. Should you provide feedback, if you have given a gift or made a donation to a councillor, employee or approved contractor of the City of Sydney in the past 2 years, you must include a disclosure statement with your feedback (city.sydney/disclose-donation-gift). Failure to disclose relevant information is an offence under the *Environmental Planning and Assessment Act1979*. It is also an offence to make a false disclosure statement.
- 14. City of Sydney employees are available to assist you. You can talk with City of Sydney planner dealing with the application about its progress, planning controls, the possible timing of considerationby committee (if applicable) and further information on anything that is not clear from the application documents.



Lincolne Scott Australia Pty Ltd

Consulting Engineers (inc Vic)

83 Alexander Street, Crows Nest PO Box 737 New South Wales 2065 Telephone: (02) 906 3166 Telex: Linsco AA 33940 Fax: (02) 906 3680

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4th June 1990

The Town Clerk Council of the City of Sydney PO Box 1591 SYDNEY NSW 2000

Attention: Mr. P. Conroy (Health & Community Services Dept.)

Dear Sir,

Re:

COMMERCIAL DEVELOPMENT - 370 PITT STREET, SYDNEY MECHANICAL SERVICES BA REFERENCE 1092/88

We refer to the Health and Community Services Department Plan Assessment Report dated 26th April 1990, Ref. No. DN 998/90.

This report contains conditions No. 1 and 27 which indicate new requirements of air filters on fan assisted VAV boxes and the Carpark supply system.

We respectfully request the Council reconsider implementation of these conditions for this particular project for the following reasons:-

The Mechanical Services drawings for the above project were initially submitted for Council approval in May 1988. These drawings were documented for the thirteen (13) storey office building. Prior to submission of drawings, details of the Carpark ventilation system were reviewed with the Council in September 1987 and approval obtained for the mechanical supply ventilation system without filters. This was in consideration of the mechanical ventilation being supplemented by the unfiltered make-up air entering the Carpark via the entrances at Pitt and Castlereagh Streets.

The conditions of building approval BA Ref. No. 1872/87 were received in June 1988. These conditions raised no requirement for the filtration of air recirculated through the fan assisted VAV boxes.

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Lincolne Scott Australia Pty Ltd

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Subsequently, the project was expanded to the fifteen (15) storey office building. This expansion however, had only minor effect on the Mechanical Services and did not affect design of the typical office floor or the Carpark.

The drawings were resubmitted for Council approval in March/April 1989. The new conditions of building approval were received in our office on 22nd May 1990. During the period of fourteen (14) months from the resubmission of drawings to the receipt of approval conditions, the project has reached the stage of practical completion.

By reasons of the above, we seek the Council's dispensation from the Conditions No. 1 and 27 of the Plan Assessment Report.

Yours faithfully, LINCOLNE SCOTT AUSTRALIA PTY. LTD.

H. Marel

M. KRAWCZYK

Jes, due to the arcumstances described in this lette it is unersomethe to inform the restation. for laws



Southern International Constructions Pty Ltd Level 10, 287 Eizabeth Street, Svaney 2000 P.O. Box A102 Svdney South 2000 Telephone 264.9999 Fax. 264.8518

> aign Japph 1872/87

> > .../2

The Town Clerk The Council Of The City Of Sydney G.P.O. Box 1591 SYDNEY NSW 2001

INTERNATIONAL

SOUTHERN

6th August, 1990.

Attention: Director Of Planning and Building

Dear Sir,

RE: PROPERTY NO'S - 362-372A PITT STREET, SYDNEY.

BUILDING APPROVAL NUMBER 1092/88

We refer to the approval granted in respect of the Mechanical Services Drawings dated 18th May, 1990 and Condition No. 6 attaching to the Plan Assessment Report of the Health and Community Services Department date 26th April, 1990. We also refer to our Meeting with Mr. Peter Conroy of Council on Wednesday, 30th May, 1990 at which we agreed with Mr. Conroy that we write to Council and ask that compliance with Condition No.6 be dispensed with.

As you are aware, the position of the Car Park Exhaust Grilles shown in the Mechanical Services Drawings for the revised Building Application (1092/88) is precisely the same as that contained in the Mechanical Services Drawings approved in respect of the Building Approval granted in March, 1988 (1872/2/87). The Mechanical Services Drawings in respect of the earlier Building Application were approved on 1st June, 1988, without mention or objection to the location of the Car Park Exhaust Vents and there was no Condition attaching to such Approval, in terms of Condition No.6, which Council has now sought to impose. A summary of the events relating to these approvals is attached.

As Council is aware, Carruthers Place has existed since a subdivision of the area in 1840. Searches and enquiries made on our behalf have failed to uncover any evidence that would suggest that Carruthers Place has been used for any purpose other than a roadway and public thoroughfare. With respect, it is inconceivable, given that Carruthers Place has been used in this fashion for in excess of 150 years, that anyone will now attempt to establish title to the land. Even if that remote possibility should eventuate, such an attempt would be unsuccessful, given the public use of the thoroughfare for such a long period of time. In fact it has been brought to our attention that Council at its Meeting of 23rd July, 1990 has given notice of its intention to take over Carruthers Place in accordance with the provisions of Sections 224 (3) and 628 of the Local Government Act 1919.

In conclusion, we consider that Council's Condition No 6 with respect, is unreasonable having regard to the past, present and future use of Carruthers place and to the previous approvals granted by Council and accordingly our Company, respectfully requests that Council delete the Condition No 6 it has imposed. Conditional upon the land being resumed.

Yours faithfully, SOUTHERN INTERNATIONAL CONSTRUCTIONS PTY LTD

L. Henry

D.Kenny DIRECTOR

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Southern International Constructions Pty Ltd Level 10, 287 Elizabeth Street, Syaney 2000 PC/ Box A102 Sydney South 2000 Telephone 264,9999 Fax 264,8818

25th June, 1990.

SUMMARY.

(1) On the 21st October, 1987, the Council Of The City Of Sydney approved a Building Application for the Construction of an Underground Substation (Ref.B.A. 1218: 8:87) which shows the Exhaust Grills discharging on the Boundary Line into Carruthers Place.

(2) The original Building Application (1872/2/87) for this project was submitted on the 11th September, 1987 and was approved by the Council on the 15th March, 1988.

(3) Following Submission of that Original BA on the 11th September, 1987, a Meeting was convened with Council on the 28th September, 1987. This Meeting was Minuted and officially confirmed back to Council in a Letter dated 30th September, 1987. Minute 1.4 specifically refers to the current problem.

(4) Following on from (3) above Lincolne Scott Australia Pty Ltd submitted Mechanical Services Drawings on the 9th May, 1988 in compliance with Council's stated request. Drawing No. M4 shows the Carpark Exhaust in position as constructed. These Mechanical Service Drawings were approved on the 1st June, 1988 without mention or objection to the location of the Car Park Exhaust.

(5) Whilst work was progressing in accordance with the original B.A., a revised Building Application (1092/88) for a building of increased height, was submitted in April, 1988. This revised B.A. was approved on the 12th September, 1988. Approved B.A. Drawings No's A2.03K, and A3.03F show the Carpark Exhaust Grille in its now constructed position immediately on the Boundary of Carruthers Place. The location of the Carpark Exhaust Grills are in exactly the same location as shown in the original Mechanical Service Drawings approved on the 1st June, 1988.

(6) The Mechanical Service Drawings for the revised Building Application were submitted on the 3rd April, 1989. Whilst receipt of these drawings is acknowledged by Council the Drawings were lost in Council's system and it was not until February, 1990 after continual pressure for approval of these Drawings by Southern International Constructions Pty. Ltd., that Council admitted that they could not locate the Drawings.

Council requested further copies of these Mechanical Service Drawings and these were submitted on the 8th February, 1990. Approval of these Drawings was received on the 22nd May, 1990. This approval contains the Condition No 6 which is now causing concern.





COUNCIL 23RD JULY, 1990

PARCELS OF LAND, LANES, PASSAGES, BEING RESIDUALS OF SUBDIVISION, RATED OR UNRATED, THE OWNERS OF WHICH ARE UNKNOWN OR UNTRACEABLE - COUNCIL POLICY. (A03-00082)

16.

1

That arising from consideration of a report by the Acting City Engineer dated 9th July, 1990, approval be given to:-

- (1) the service on the owners of the lands referred to in Items 1, 5, 6, 8, 9, 10, 11 and 15 of the schedule accompanying the report of the Acting City Engineer, Notice of Council's intention to take over the road in accordance with the provisions of Sections 224(3) and 628 of the Local Government Act, 1919, subject to the City Solicitor being satisfied that each Item complies with the requirements of Section 224(3);
- (2) the Items 4, 7, 12, 13, 14 and 16 of the schedule accompanying the report of the Acting City Engineer be referred to the City Solicitor for investigation and subsequent recommendation;

- and further, any relevant documents and plans be executed, if required, under the Common Seal of the Council or by Council's Attorney.

Carried.

CE (K. Javis)

SEM.

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Acted any recorded Minullaneous BK Nº24.

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ITEM Na 16.

FINANCE COMMITTEE

City Engineer's Department

MINUTE PAPER

COMMITTEE

C34AAG

KD/AJ

File No. A03-00082

Subject: PARCELS OF LAND, LANES, PASSAGES, BEING RESIDUALS OF SUBDIVISION, RATED OR UNRATED, THE OWNERS OF WHICH ARE UNKNOWN OR UNTRACEABLE. COUNCIL POLICY.

Date 9th July, 1990

THE TOWN CLERK

I refer to the City Solicitor's minutes dated 10th and 31st January, 1990, which make further recommendation in respect of 17 parcels of land, of doubtful status, which have untraceable or unknown owners, referred to in the Acting City Engineer's minute dated 27th September, 1989.

Six properties, namely Items 4, 10, 12, 13, 14 and 16, shown on the revised Schedule attached hereto, were previously recommended by the Acting City Engineer in the aformentioned minute for action by way of sale for overdue rate persuant to Section 602 of the Local Government Act, 1919. The City Solicitor, in his first mentioned minute, however, advised, in part, as follows:

"There are six properties which the City Engineer recommended for action by way of sale for overdue rates. In general I think that this procedure is not recommended as it requires Council to form a positive opinion that the land is privately owned. In the case of any laneways or passages which were created before the 1879 Act I would be reluctant to form that opinion. The one thing that has been clearly established by the recent examples of cases disputing the status of laneways and passages is that if the laneway was created before 1880 then the determination of its status will almost always be difficult and require exhaustive searching of 19th century records and conveyancing documents. Whether lands are laneways or passages, resumption or action under Section 224(3) will almost always be more appropriate".

After further discussion with the City Solicitor it is now considered that five of these properties, Items 4,12,13,14 and 16, should be further investigated by the City Solicitor prior to final decision as to resumption or action under Section 224(3) of the Local Government Act would be more appropriate.

In the light of the City Solicitor's aforementioned comments and further discussion, it is now recommended that action under Section 224(3) Local Government Act, 1919, be taken in regards to Item 9, Carruthers Place, a lane between Nos. 370 and 372 and the rear of Nos. 372-374 Pitt Street, and Item 10, a lane between No. 29 and No. 31 and at the rear of Nos. 31-33 Oxford Street.

Items 1, 5, 6, 7, 8, 11, 15 of the attached Schedule were all previously recommended for action under Section 224(3) of the Local Government Act, 1919, by the Acting City Engineer in his aforementioned minute dated 27th September, 1989.

The City Solicitor in his first mentioned minute dated 10th January, 1990, advised, in part, as follows:-

"The remaining items are recommended for action pursuant to Section 224(3). The information in the Engineer's report, to my mind, establishes a doubt as to the status of the lands in the case of all but Item 7 where survey states that the lane is subject to various rights of way. Specifically created rights of way on the whole are consistent with an intention that laneways remain in private ownership."

It is therefore considered that Item 7, a lane between Nos. 389 and 391 and at the rear of Nos. 389-395 George Street, Sydney, now should also be further investigated by the City Solicitor with regard to possible resumption action under the provisions of the Public Roads Act, 1902.

Items 2, 3, 17 of the attached Schedule are the subjects of separate actions.

The City Solicitor in his second mentioned minute, dated 31st January, 1990, set out the appropriate steps that should be followed by Council if it intends to take action pursuant to Section 224(3). The City Solicitor states, in part, as follows:-

"The subsection (245(3)) clearly sets out the procedure to be followed by Council. Council should not serve notice of its intenion to take over the road until it is satisfied of two factors, namely:

1. that the road has been left in subdivision of private lands before the commencement of the Local Government Act, 1906; and

2. there exists a doubt as to whether or not it is a public road.

While my minute of 10 January, 1990 deals with the second point, Council must also be satisfied as to the first. If Council is in any doubt as to whether any of the items recommended for action pursuant to Section 224(3) were left in subdivision of private lands before the commencement of the 1906 Act, this matter should be clarified before any notice of intention to take over the road is served. It is not possible for me to advise in relation to this issue from the material contained in Council's file."

and further:

"Once Council is satisfied that the items which are recommended for action pursuant to secion 224(3) are roads left in subdivision in private lands before the commencement of the Local Government Act, 1906, it would be appropriate for Council to pass the following resolution: That arising from consideration of the Acting City Engineer's minute of 27th September, 1989 and the City Solicitor's minute of 10 January 1990, Council resolves to serve on the owners of the lands referred to in items () of the Schedule to the Acting City Engineer's minute notice of intention to take over the road in accordance with the provisions of Sections 224(3) and 628 of the Local Government Act, 1919".

Recommendation

That arising from consideration of a report by the Acting City Engineer dated 9th July, 1990, approval be given to :

- 1. Service on the owners of the lands referred to in Items 1, 5, 6, 8, 9, 10, 11, and 15 of the Schedule attached to the Acting City Engineer's minute, notice of intention to take over the road in accordance with the provisions of Sections 224(3) and 628 of the Local Government Act, 1919, subject to the City Solicitor being satisfied that each Item complies with the requirements of Section 224(3).
- 2. That Items 4, 7, 12, 13, 14, and 16 of the Schedule attached to the Acting City Engineer's minute, be referred to the City Solicitor for investigation and recommendations; and
- 3. All relevant documents and plans being executed under the Common Seal of Council or by Council's Attorney.

0661 711 91 COMMITTEE HINN E COUNCIL RECOMMENDATION JOHN EVERNDEN 23 JUL 1990 APPROVED A / CITY ENGINEER (9406) Dec dicision ahuged 9th July, 1990

SCHEDULE (JULY, 1990)

RESIDUAL LAND WITHIN THE CITY OF SYDNEY THE OWNERS OF WHICH ARE UNTRACEABLE

WN RECOMMENDATION	ON MAP ACTION 1865 Sec. 224(3)	0 Subject to separate action	5 Subject of an agree- ment AMP Soc.& Council			0 Sec. 224(3)	5 Refer to City Solicitor for further comment) Sec. 224(3)	5 Sec. 224(3)	5 Sec. 224(3)	tt Refer to City Solicitor for further comment	Refer to City Solicitor for further comment	Refer to City Solicitor for
TYPE SHOWN	Dead End 1865	Through 1850	Through 1865	Land- locked	Dead End 1850	Dead End 1850	Dead Env 1865	Dead End 1865	Dead End 1880	Dead End 1865	Through 1865	Dead End About 1890	Dead End 1911 Land- locked	Dead End 1911
O/S RATES	ş 27,755	Non rate- able 1-1-84	1	6,436	,	,	177,178	ı	7,864	17,000	1	1	4,314	4,282 E
TSAIA	1967	1960	Not rated	1969	Not rated	Not rated	1959	Not rated	1984	1979	Not rated	Not rated	1954	1954
VALUATION	208.4973	208.4972	1	208.12449	1	208.77180	208.6845	ı	208.12548.001	208.11789.1	1	-	208.4294	208.8252
PLAN NO.	S5-543/179	S5-574/170	S5-543/26	S5-543/181A	S5-543/182A	S5-543/170A	S7C-183/77	S5-543/180A	S5-543/194	S5-543/113	S5-543/175	S5-543/174	S5-543/183	S5-543/184
FILE NO.	SU6 01608	S06 00140	S06 01610	S06 01626	S06 01611	S06 01127	S06 01628	S06 01607	10010 905	S06 01629	S06 01270	S06 01609	S06 01630	S06 01631
SJBJECT	Queens Court adjoining No.8 Dailey Street rear 49A-57 Pitt Street	Passage between 14&16 Bridge Street.	Palings Lane between 338 and 340 George Street.	Rear of 115 Pitt Street.Part of Tank Stream.	Lane adjoining 40 King St. at rear of 163 to 177 Clarence St. and 304-306 Kent Street.	Lane between 69 & 71 & at rear of 69 York Street	Lane between 389 & 391 & at rear of 389-395 George Street	Extension of Sands Street rear 263-265 Sussex Street.	Carruthers Place lane between 370 & 372 & at rear of 372-374 pict Street.	Lane between 29 & 31 and at rear of 31-33 Oxford Street	Lane rear of 82-102 Campbell St. between Foster St. and Beauchamp Lane.	Passage adjoining 33 Foster St. rear of 71-79 Campbell St	Passage between 45k47 Cooper St. at rear 32-44 Holt St.	Passage adjacent 32 Holt St. at rear 33-43 Cooper Street
MELLI	-	2	m	4	Ś	\$	2	00 (5	10	7	12	EI	14. 1

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S41ABH KD/MD

	RECOMMENDATION ACTION	Sec. 224.(3)	Reier to City Solicitor for further comment	Subject to separate action
	SHOWN ON MAP	1865	1865	1865
	TYPE	Through	Through 1865	Through (Part Dead Erd
	0/S RATES \$	5, 258	4,268	Not rated
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	PLAN NO.	so6 01612 S5-543/176 208.2975.1	s06 01627 s5-543/187 208.8591	S06 01667 S5-543/142 208.63184
	FILE NO. PLAN NO.	S06 01612	S06 01627	S06 01667
21	SUBJECT	Irving Lane between Carlton St. and Balfour Street	Passage adjacent 79 & 93 and at rear 79-93 John St.Pyrmont	Passage between 628 & 630 and at rear 614-634 George Street beside Central Police Station.
	NETI	15	16	17

RESIDUAL LAND WITHIN THE CITY OF SYDNEY THE CAMERS OF WHICH ARE UNTRACEABLE

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From:	< on behalf of
Sent on:	Wednesday, July 17, 2024 9:14:41 AM
To:	dasubmissions@cityofsydney.nsw.gov.au
Subject:	Submission - D/2024/446 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons

Attachments: Objection Summission by Owners of Lot 54, 55 and 56 370 Pitt Street 17 july 2024.pdf (148.01 KB)

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HI City of Sydney

This objection/ submission to the proposed development at 372-382A Pitt Street is being submitted by the owners of Lot 54,55 and 56 in 370 Pitt Street.

Could you please remove the name of **sectors** from documents in the public domain and please also remove my name from that which is loaded on to the public domain.

We look forward to a response to matters raised.

Regards & thanks



Suite 702, 370 Pitt Street, Sydney NSW 2000 P M ABN 21 871 881 074 www.astartinlife.org.au

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City of Sydney 17 July 2024

Objections to Development Proposal D/2024/446-372-382A Pitt Street

We are the owners of Lot 54, 55 and 56 in Strata Plan 52106 at 370 Pitt Street. We are aware another development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal.

Those concerns relate to safety (further details below), loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development. These concerns were raised with City of Sydney in an objection, lodged at the end of February 2024 to **D/2024/36**, to which no response has been provided nor have these concerns been addressed in any way. As such they remain valid and are once again raised so they can be resolved.

We are also very concerned that Carruthers Place, a public laneway seems to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of the three pieces of property in 370 Pitt Street. The existence of the laneway provided substantial light and other amenity to each of the properties. Should there have been any change in use of the laneway, as is now proposed and also occurred when City of Sydney (we are now informed) sold the laneway, we should have received advance notification from City of Sydney, allowing us to raise concerns. Unfortunately this did not occur.

It would appear that the plans (development application) submitted by 372- 380 Pitt Street, provide for a service, loading bay, which will have heavy and large vehicle traffic volumes, being located where services crucial to the safe operation of 370 Pitt Street are located and have been located for over 30 years. These services have always been located via/in Carruthers Place, a public laneway and were approved as such by City of Sydney. Those services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters, as required by Fire Rescue NSW are from this laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised particularly as workers and pedestrians, using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel complex.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on keeping Carruthers Place available as a public laneway.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

Please note these objections to the development proposal D/2024/446 and D/2024/36.

Yours sincerely



NSW Masonic Youth Property Trust- (Chair) NSW Masonic Welfare Property Trust-(Chair)

From:	Jennifer Morgan < on behalf of Jennifer Morgan
	< Second
Sent on:	Friday, July 19, 2024 11:08:58 AM
То:	council@cityofsydney.nsw.gov.au; dasubmissions@cityofsydney.nsw.gov.au
CC:	Matthew Shannon <
Subject:	Objection to State Significant Development (SSD - 65204458) (COUNCIL Ref D/2024/446) [STL-MATTER.FID374197]
Attachment	s: Letter to City of Sydney - OBJECTION TO STATE SIGNIFICANT DEVELOPMENT - 19.07.24(100576379.1).pdf (270.48 KB)

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Dear Sir/Madam,

Please refer to the attached correspondence which I am forwarding to you on behalf of Matthew Shannon, Director, of our office.

Kind regards,

Jennifer Morgan Legal Assistant SHAND TAYLOR LAWYERS Incorporating MUNRO THOMPSON Lawyers D

Level 2, 77 Mooloolaba Esplanade, Mooloolaba QLD 4557 I PO Box 5, Mooloolaba QLD 4557 T F +61 7 3307 4599

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19 July 2024

City of Sydney Town Hall House 456 Kent Street Sydney NSW 2000

Via email: council@cityofsydney.nsw.gov.au & dasubmissions@cityofsydney.nsw.gov.au & dasubmissions@cityofsydney.nsw.gov.au & dasubmissions@cityofsydney.nsw.gov & dasubmissions@cityofsydney.nsw & dasubmission

OBJECTION TO STATE SIGNIFICANT DEVELOPMENT (SSD – 65204458) (COUNCIL Ref D/2024/446)

This correspondence is a submission made by:

Name of Submission-maker	Sky's The Limit Enterprises Pty Ltd		
Address of Submission-maker	C/- Shand Taylor Lawyers Level 2, 826 Anr Street Fortitude Valley QLD 4006		
Electronic Address for Service			
Site address of development application	372-374 PITT STRET, SYDNEY NSW 2000		
	376 PITT STREET, SYDNEY NSW 2000		
	378 PITT STREET, SYDNEY NSW 2000		
	380 PITT STREET, SYDNEY NSW 2000		
	382 PITT STREET, SYDNEY NSW 2000		
	382A PITT STREET, SYDNEY NSW 2000		

This submission is made to the Council of the City of Sydney (**Council**), being the relevant assessment manager for the State Significant Development (SSD – 65204458) (Council Ref D/2024/446).

Preamble

Our office has been engaged by Sky's The Limit Enterprises Pty Ltd (the **Submitter**) to prepare this submission regarding the abovementioned development application.

The Sumbitter is the registered owner of 35/362-370 Pitt Street Sydney (described as Lot 35 on Strata Plan 46628) (Lot 35).

At the outset, the Submitter notes that they support well planned development that respects and makes a positive contribution to the planned neighbourhood character of our communities.

However, the Submitter strongly objects to the proposed development in its current form. The grounds for the objection are as follows:

Privilege is not waived by mistaken delivery of this confidential communication. If there is a problem with this communication please contact us.

Directors Rod O'Sullivan John Sneddon Matthew Shannon Brad Clark Richard Waring Alex Tuhtan Kimberley Forman Patrick Sherlock Annie Kelly Special Counsel Kaylie Bourke Senior Associates Ruby Nielsen Charlie Hodgetts Vicky Stott Dean Aitchison Emma Ward Brisbane Office Level 2, 826 Ann Street Fortitude Valley Qld

GPO Box 2486 Brisbane Qld 4001

T F +61 7 3307 4599 Sunshine Coast Office Level 2, 77 Mooloolaba Esplanade Mooloolaba Qld

GPO Box 5 Mooloolaba Qld 4557



www.shandtaylor.com.au Shand Taylor Lawyers Pty Ltd ACN 655 157 396 Liability Limited by a scheme approved under Professional Standards Legislation

1. Removal of access via Carruthers Place

The submitted documents clearly show that access to Lot 35 will not be maintained as part of this proposal.

The applicant is proposing to develop the Site (and particularly Carruthers Place) without ensuring:

- proper access is maintained to Lot 35 (which is bounded on its remaining three sides by existing buildings). Lot 35 is currently used for car parking and has always had access through Carruthers Place;
- 2. there is proper separation between existing buildings and the building intended to be constructed on lot 35. The proposed development is overly bulky and not of an appropriate scale.

If approved in its current form, the proposed development will deny access to Lot 35, which would render Lot 35 landlocked with no practical access and ensure Lot 35 is sterilised from future development.

Further, adjacent sites, including the Sydney Masonic Centre Civic Tower, require fire and vehicular access via Carruthers Place¹.

The proposed development in its current form ought not to be approved as the proposed development will:

- (a) Constitute a safety hazard as it will block a laneway (Carruthers Place) that is required for fire access from two adjoining buildings, namely the Masonic Centre and 370 Pitt Street;
- (b) Block vehicular and pedestrian access from Lot 35; and
- (c) Alter the appearance of Pitt Street as Carruthers Place (which is recognised as an existing laneway in the DCP²) will not be viewed as or be capable of being used as a laneway.

The material accompanying the application is misleading as it does not recognise part of the site is being used for vehicular and pedestrian access to Lot 35 via Carruthers Place.

The proposal notes that '*Restricted access is also provided to the rear of the site for loading and services via a shared vehicular right-of-way to the south from Goulburn Street*', however, does not consider access to Lot 35 or fire access to adjoining buildings.

2. Conflict with Central Sydney DCP 1996

The Central Sydney DCP 1996 states that

- 1. 'Lanes are an integral part of the public space network in Central Sydney'; and
- 2. 'Lanes separate buildings, maintain Central Sydney's characteristic urban grain and permeability, provide vistas and views through city blocks, and add visual interest to the built environment' and 'Lanes contribute significantly to the variety of pedestrian experience in Central Sydney. They can enrich the urban quality of the city as well as being interesting places for a variety of uses, such as restaurants, cafes and other activities that attract people and provide opportunities for social interaction'.

The proposed development conflicts with the Central Sydney DCP 1996, particularly clause 3.1 as:

- the capacity for Carruthers Place (as a laneway) to be used for pedestrian and vehicular access will be denied by the proposed development and the appearance of Carruthers Place as a lane will be lost.
- 2. the removal of Carruthers Place will conflict with the objective of the Central Sydney DCP 1996 to retain and develop lanes as useful and interesting pedestrian connections as well as for service access and to maintain Central Sydney's fine urban grain.³

2

¹ The City of Sydney Policy for the Management of Laneways in Central Sydney, page 2 '*Lanes contribute to the pedestrian convenience* and amenity of the city, the servicing of city buildings and the appreciation of the heritage of a city by Providing access to buildings for vehicles and pedestrians, particularly for service reasons such as fire egress or access to carparks and loading docks'.

² Please see figure 3.1 'Lanes and Midblock Connections' of Central Sydney DCP 1996.

³ Further, the Submitter notes that Council's policy for the Management of Laneways in Central Sydney states:

3. Inconsistency with the objectives for development within the City Centre Zone

The proposed development is inconsistent with the objectives within the City Centre Zone, particularly as it does not 'protect the fine-grained urban fabric of Central Sydney especially the existing network of streets and lanes, and to provide for high quality development that contributes to the existing urban form'.

4. Impact on easements

The common property in Strata Plan 46628 is benefitted by Easements G319989 and G319990 (the Easements).

The Easements burden Lots A and B in Deposited Plan 439950, both of which form part of the Site. The Development Application fails to take into account the rights granted under the Easements, which include rights to access the burdened areas and rights to maintain and reconstruct the sewer pipes contained within the burdened areas.

5. Lower-Level Podium to exceed maximum height of the approved podium envelope

The lower-level podium is proposed to exceed the maximum height of the approved podium envelope as follows:

- Up to RL 32.68 to accommodate the proposed 'landscaped vessel.'
- Up to RL 33.88 to accommodate the balustrade above the 'landscaped vessel'.
- Up to RL 36.48 to accommodate the awning and associated supporting structures above the proposed landscaped vessel (at Level 4).

Although it has been asserted that there will be no additional adverse impacts on environmental amenity as a result of the 'minor increase in street frontage height', the Submitter considers that if Council were to allow the lower-level podium to exceed the maximum height of the approved envelope that the podium will overshadow pedestrians and conflict with City Centre Zone given the proposed development will not enhance the amenity of community places by protecting sun access.

The Submitter also considers that the proximity of the lower-level podium to adjoining buildings and adjoining lots will adversely affect the amenity of the spaces inside the neighbouring buildings, the quality of space between the buildings, and visual and acoustic privacy, especially in circumstances where the intended use of the proposed development is a hotel.

The overall effect will reduce the access to light and air and result in a crowded, suffocating feeling for occupants of the adjoining buildings and the users of Pitt Street. This substantial loss of amenity should not be permitted.

6. Conclusion

We consider the application ought not to be approved in its current form as the proposed development must (at a minimum) be modified:

 to retain Carruthers Place as an existing laneway (to reflect the requirements of the DCP⁴) to provide adequate separation and so that it can be viewed as and be capable of being used as a laneway (including as a useful and interesting pedestrian connection as well as for service access) and to maintain Central Sydney's fine urban grain (including the existing network of streets and lanes) and the appearance of Pitt Street;

 ⁽a) 'Laneways have traditionally served a variety of functions in the city from the provision of off-street vehicular and service access to city buildings to quality secondary pedestrian routes through city blocks';

⁽b) 'Submissions to the Central Sydney Planning Inquiry in August 1992 noted that laneways in the city were being lost and that therefore something of Sydney's unique scale and character had vanished. This observation was linked to a criticism of the practice of site amalgamation which it was said had led to projects of a much larger scale and the construction of "gargantuan" buildings which overwhelmed their neighbours';

⁴ Please see figure 3.1 'Lanes and Midblock Connections' of Central Sydney DCP 1996.

- 2. to provide an easement for full, free and unimpeded vehicular and pedestrian access to Lot 35 at any time;
- 3. to ensure fire access remains to two adjoining buildings, namely the Masonic Centre and 370 Pitt Street
- 4. to take into account the rights granted under the Easements over the Site; and
- 5. to reduce the size of the proposed podium and the development to maintain reasonable amenity.

Thank you for your consideration. Please do not hesitate to contact us to discuss this matter.

Yours faithfully SHAND TAYLOR LAWYERS

Matthew Shannon Director

Т		
Е		

From:	Warwick Van Ede < on behalf of Warwick Van Ede
	< Warwick Van Ede <
Sent on:	Monday, July 22, 2024 2:52:03 PM
То:	dasubmissions@cityofsydney.nsw.gov.au
CC:	council@cityofsydney.nsw.gov.au
Subject:	DA - D/2024/446 - The Owners - Strata Plan No. 46628 (JSM 45104)
Attachments	s: Approved Plans showing exists and fire boosters.pdf (1.37 MB), Letter1 - Bill MacKay.pdf (179.37 KB),
	Email from Wellsmart.docx (16.97 KB), image001.png (6.56 KB), image002.png (7.48 KB),
	image003.jpg (1019 Bytes), image004.jpg (982 Bytes), image005.jpg (10.54 KB)

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Dear Mr Mackay

I act for The Owners - Strata Plan No. 46628 located at 370 Pitt Street, Sydney and now attach a submission on behalf of my client in response to your letter dated 24 June 2024.

Yours faithfully

Warwick van Ede Lawyer I BEc LLM Accredited Specialist -Property Law JS Mueller & Co Lawyers

Level 1, 240 Princes Highway Arncliffe NSW 2205

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F 02 9567 8551

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22 July 2024



Mr Bill MacKay Manager, Planning and Assessments City of Sydney Town Hall House 456 Kent Street SYDNEY NSW 2000

By Email: council@cityofsydney.nsw.gov.au

Our Ref: WVE:AK:45104 Your Ref: D/2024/446

Dear Mr MacKay

RE: SITE ADDRESS – 372 – 382A PITT STREET, SYDNEY NSW 2000

We act for The Owners – Strata Plan No. 46628, located at 370 Pitt Street, Sydney and refer to letter from Council dated 24 June 2024, being a notification of a proposed development D/2024/446, to be assessed concurrently with the pending DA for the Concept Building Envelope D/2024/36.

Whilst the owners corporation's concerns are set out in the submission previously lodged with Council in relation to D/2024/36, the owners corporation does not want the Council to be under any misapprehension that its concerns are any less regarding D/2024/446 which continues to seek to utilise Carruthers Place.

Accordingly, the intention of this letter is to reiterate the concerns of the owners corporation in relation to D/2024/446 based on its earlier concerns and additional additional matters.

Use of former Carruthers Place

The building comprising our strata scheme (SP46628) was designed incorporating features which assumed the existence of Carruthers Place as a public laneway, and the proposal formed D/2024/446, as with D/2024/36 will significantly impede those amenity and safety features which were incorporated into 370 Pitt Street based upon that assumption.

Firstly, and critically, there are fire escape exits the egress for which is to the property formed by Carruthers Place. I am **attaching** a diagram which indicates the proximity of the relevant fire egress points in question.

It is incomprehensible to this strata scheme that approval could be given to a development incorporating the Carruthers Place land which impacts on both primary and secondary fire safety indicators. The primary issue is that the proposed development has the capacity to <u>actually impede</u> egress from the relevant fire egress door in a physical sense.

Indeed, implied threats have been made to the owners corporation in relation to the need for this access point to be restricted (see correspondence **attached**).



LEVEL 1, 240 PRINCES HIGHWAY ARNCLIFFE NSW 2205



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The secondary point arises in relation to the safety of persons exiting from that fire egress door and in particular their safety in circumstances where there is likely to be a flow of vehicles and other traffic which may cause a danger to persons exiting 370 Pitt Street from that point. It is incongruous that Council would enable and facilitate a safety issue to be brought into existence as part of its planning process for the benefit of the Applicant.

In addition, fire safety infrastructure for 370 Pitt Street is accessed via Carruthers Place including the owners corporation's sprinkler and hydrant systems room. In the owners corporation's submission, it is incumbent upon the Applicant to demonstrate appropriate safety measures not only in relation to persons potentially exiting from the owners corporation's fire egress, but also appropriate and lawful means by which the owners corporation's fire safety systems can be accessed <u>as required</u>.

The current form of the application fails to address these critical issues.

The plans submitted by the applicant provide for a loading bay to be accessed from Carruthers Place, and servicing the development site and ultimately the development. This will mean heavy traffic volumes, consisting of large and bulky vehicles in and through a space which is crucial to the safe operation of 370 Pitt Street, and adjacent to deliveries and services crucial to its operation – services and facilities which have been located in those places for over 30 years.

Indeed, part of the approval originally given for the current building located at 370 Pitt Street by the Council explicitly required the discharge of the two fire ingresses in question into Carruthers Place. I have already dealt with the question of accessing the necessary services.

The application appears to gloss over the critical need for appropriate easements and rights to be registered recognising fire exits, access required for fire hydrants inclusive of the hydrant booster valves and other services. The need for these matters to be explicitly addressed should be detailed in an appropriate Management Plan on which Council should insist being in a satisfactory state before consideration can be given for approval of the proposal.

To do otherwise would potentially place the Council in a most difficult position in the event of any incident arising from the need to utilise the fire exits or other fire services.

The owners corporation has also been the subject of aggressive correspondence copies of which also **attached** to this submission.

Air Light and Ventilation Matters Arising in Relation to Carruthers Place

Since construction of the building located at 370 Pitt Street, Sydney, The Owners – Strata Plan No. 46628 have enjoyed access to light and air as a result of the location of Carruthers Place.

Indeed, the rear aspect of the building at 370 Pitt Street is significantly reliant upon the air and ventilation provided by the open space in Carruthers Place and immediately adjoining it.

The proposed development will result in a substantial loss of amenity for the owners and occupants at 370 Pitt Street, Sydney. The openness currently enjoyed will be cut off, and this will be particularly significant at the southern aspect of the building.

Whilst it is one matter for the Council to sell the land comprising Carruthers Place, it is entirely another matter to enable that land to facilitate a development which will overshadow, crowd and effectively "suffocate" other buildings, including the building located at 370 Pitt Street, Sydney.

Nowhere in the proposal is there any acknowledgement of the fact that ventilation to the building (supply, exhaust and stair pressurisation intake) access to critical fire control room and boosters, as required by Fire Rescue NSW, are accessed from this laneway.



Matters Arising from Physical Aspects of the Proposed Development

The issues arising from the proposed development are due to the proposal's:

- location;
- size and bulk; and
- its proposed utilisation of all aspects of the street frontage of Pitt Street, including Carruthers Place.

As such, the proposal is out of scale and context for this site.

It is almost impossible to comprehend how significantly the actual development works will impact on the occupants of 370 Pitt Street, Sydney. Given the nature of the site over which the proposed development is to take place, it is inevitable that the applicant will seek to utilise Carruthers Place as an access point for all aspects of the proposed development, including ingress and egress of demolition-related vehicles and equipment, and ingress and egress of construction related equipment. In part this arises from the proposal to include the street frontage of the balance of buildings fronting Pitt Street and to incorporate them within the development. This will, as a matter of course, restrict the ability of the applicant to access the site other than via Carruthers Place.

As was pointed out earlier in this submission, and the submission lodged in respect of D/2024/36, the frequent accessing of Carruthers Place provides a substantial and significant hazard to owners and occupants of the strata scheme, putting aside the amenity issues which arise from that use.

The impact on amenity of occupants of 370 Pitt Street will be impacted during the construction process even prior to the completion of the proposed development. Such construction will involve the creation of significant pollutants to the air and ventilation systems available to the occupants of 370 Pitt Street, and will involve substantial noise impact as part of both the demolition and construction processes, not only in terms of major percussive equipment and machinery, but also significantly increased heavy vehicle movement, the operation of diesel and other motorised machinery on a daily basis, and the likely interruption to the normal ingress and egress of occupants of 370 Pitt Street, Sydney.

Significant traffic management issues arise from the nature of the proposal, none of which are addressed. The proposal says nothing about the significant issue which will arise in relation to the management of pedestrians, their need to cross Carruthers Place, and at the same time, the use of Carruthers Place as a loading bay and also effectively a service road for a large hotel complex.

I note that other objections to D/2024/446 refer in part to these aspects in addition to the matters previously raised by the owners corporation both the current proposal (D/2024/446) and D/2024/36 do not appear to give sufficient access to the owners corporation to:

- 1. perform any maintenance to the façade of the building necessary access would need to include the ability to install scaffolding permitting safe access; and
- 2. for cleaning of external windows (thereby further impacting amenity and light on an ongoing basis.

Practical Matters Arising from the Proposal

The proximity of the proposed development site to 370 Pitt Street raises a number of concerns to the owners corporation:

• <u>Soil and groundwork management</u> – there is a very real risk of land slippage and ground displacement occurring during the course of construction and excavation, and/or the potential for the undermining of support to the land on which 370 Pitt Street is located. At the very least, the



owners corporation would have expected to be presented with appropriate engineering reports addressing these concerns, and establishing appropriate protocols for their avoidance;

Recent construction events in the wider Sydney area have highlighted the catastrophic consequences to adjoining landowners of poorly planned construction and excavation work, and the owners corporation located at 370 Pitt Street does not wish to be joining other strata schemes as the victims of inappropriately planned development.

 <u>Management and Interruption to Services</u> – the nature of the proposed development will necessarily impact services of various kinds currently available to SP46628. These issues need to be addressed explicitly and prior to the granting of any development approval as the operation of a major commercial building such as this located at 370 Pitt Street cannot be interrupted due to ad-hoc plans to deal with matters of this kind.

The owners corporation has the benefit of various easements relating to such services and the proposed utilisation of Carruthers Place will impact upon these services explicitly. However, the proposal does not seek to deal with these issues in any meaningful way, and the Council needs to address these specifically and carefully.

Conclusion

Broadly, the proposal set out in D/2024/446, as with D/2024/36, development which is out of proportion, fails to appropriately deal with very real safety and amenity issues, and completely avoids grappling with potential but very real building and engineering issues.

It is appropriate that the Council require the Applicant to reconsider all of these issues and properly document proposed solutions to them.

The concerns of The Owners – Strata Plan No. 46628 in relation to D/2024/446 are very real and it is deeply concerning that the issues raised by the owners corporation in relation to D/2024/36 appear to largely remain unaddressed in any meaningful way. It would be necessary for the Council to take steps to ensure that these issues are not glossed over by the developer.

Yours faithfully



JS MUELLER & CO

E:|

Warwick Van Ede | Lawyer

From: syd project	<		
Sent: Tuesday, July	y 9, 2024 2:24 PM		
To: Matthew Hua	<		
Cc: jack jia <		aileen cheah <	syd project
<	kahkiat sham	n <	—
Subject: 372 Pitt S	treet: Official Compla	int to FRNSW	

Hi Matthew,

On behalf of our director Jack Jia, I am writing to inform you that an official complaint has been lodged with FRNSW in regard to 362-370 Pitt Street Owner Corporation's reluctance to engage with Well Smart Group on forming the new easement for the property's fire egress.

You should be aware currently there is no easement enabling the fire egress at Carruthers Place. 362-370 Pitt Street has no lawful means of gaining access to Carruthers Place.

We were advised by our legal team that Well Smart Group as the owner of the land, has the right to restrict access to Carruthers Place. Once we have obtained all relevant approvals, we would proceed to fence up the site for upcoming site mobilisation works, this would then render your property NCC non-compliance.

Notwithstanding the above mentioned, we still hope to resolve this in a way that could benefit both parties. We are open for discussions.

Regards,

Kah Kiat



 WELLSMART GROUP
 I
 ADD : 09-01, ICB Enterprise House, 116 Middle Road, Singapore 188972
 I
 TEL

 :
 I
 MOB:
 I
 EMAIL

 :
 I
 WEBSITE: www.wellsmart.com.sg

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-Disclaimer: .

RFD, LLM SOLICITOR & NOTARY

My Ref: ASB Your Ref: D/2024/446

PO Box 666 PICTON NSW 2571 Barkers Lodge Road PICTON NSW 2571 Fax (02) 4677 3314 **Phone** ABN 29 058 715 354 e-mail:

19 July 2024

The General Manager, Council of the City of Sydney, VIA PLANNING PORTAL WEBSITE.

Dear Sir / Madam,

Re: Sydney Masonic Holdings Limited, Masonic Investments Limited & Sydney Masonic Centre Pty. Limited – Submission to Council on D/2024/446 - Hotel at 372-382A Pitt Street, Sydney

I act for Sydney Masonic Holdings Limited and Masonic Investments Limited, between them own the property located at 279 Castlereagh Street, Sydney (also known as 66 Goulburn Street, Haymarket) ("the Building"). This property backs on to the proposed development site. I also act for Sydney Masonic Centre Pty. Limited ("SMC") located at 66 Goulburn Street, Haymarket.

The Building backs directly onto the proposed building site, separated only by a 3m driveway. The Building has two subterranean garage levels, five above ground levels making up the podium building. The Civic Tower is then positioned on top of the podium. The Building is a solid concrete building, with foundation piers embedded into the common rock body underneath both the Building and the site of the proposed hotel.

I am instructed that SMC operates an Events and Conference Centre which rents out commercial event space on a per event basis, generally between one to four events per day period. SMC operates 17 hours per day 7 days per week between 0700 and 2400 most days. Government, corporate and association meetings generally take place from early morning onwards throughout the day, with dining, meetings, cultural or live music events in the evenings/nights. The event spaces are also booked for use as examination rooms and similar.

Whilst my clients support the principle of the project, they are very concerned about the demolition and heavy construction period in relation to the viability of SMC's business, especially with respect to issues of noise, vibration and dust.

Noise and Vibration

SMC would be adversely affected by any noise or vibration sounds caused by drilling, hammering, banging or any type of intrusive construction, with the noise transferring throughout the entire building. Consequently, when heavy works are performed on the building, or nearby, such as installation of FFE, drilling, lift maintenance, etc., the works must be scheduled to take place outside of contracted booking times. Events cannot be held whilst noisy works take place due to the sound and vibration transfer via the common rock body throughout the entire building, rendering the spaces not fit for use during the demolition and excavation periods.

During the online stakeholder consultation briefing held by my clients' representative with the developer's community engagement consultants on 23 January 2024, the stakeholders were advised that "to inform the assessment, background noise levels were established. Predictions indicate typical site activities will exceed limits". It was advised that especially during the heavy construction period, noise and vibration levels are predicted to exceed limits. Stakeholders were further informed that it is the responsibility of the selected contractor to manage noise and vibration through:

- Preparation of construction noise and vibration management plan;
- Managing site activities within agreed times and respite periods;
- Briefing all workers on managing disruption;
- Developing work practices and use of equipment that reduces noise and

vibration to adjacent areas; and

- Promptly responding to and rectifying issues.

Further, the minutes reflect that Community consultation is key to minimising, not removing all, noise impacts:

- There will likely be consultation required to prepare construction management plans; and

– Ongoing coordination of construction activities with community to reduce disruption.

Monitoring and reporting:

- Contractor to install noise and vibration monitors;

- Maintain records of all monitor data for verification conformance of site activities with agreed times; and

- Provide vibration monitors incorporating an alert system to notify where there may be potential building damage (refer to structural engineer).

My clients' concern is that if a contracted event is taking place and the noise or vibration from construction works is such that it causes a SMC event to stop, which is highly likely, then this would be a totally unacceptable situation. SMC have contracts in place

with our clients to supply the event spaces in a presentable condition, including within acceptable noise limits. It will be unacceptable to 'manage' the noise and vibration disruptions through 'monitoring' and 'scheduling' because once an event starts it cannot be stopped, and the business is booked many months in advance. This could expose SMC to litigation alleging breach of contract.

The stakeholder consultation indicated that the noise and vibration levels are predicted to exceed limits, therefore potentially creating a situation where SMC is unable to trade during the heavy construction period, potentially for weeks or months.

My clients are open to the prospect of compensation for the inability to trade for a certain period. However, this would need to be negotiated and implemented at the earliest possible opportunity as event bookings are taken well in advance, i.e. months and sometimes years ahead. My clients strongly believe this needs to be a firm non-negotiable condition of consent.

Dust

My clients have an air-cooled HVAC system installed on the podium roof top of level 5. The roof top is directly adjacent to the construction site, with no walls, corners, screens or filters of any type in between the HVAC units and the proposed building.

It is expected that the demolition of existing buildings and excavation of the ground, and then to a lesser extent the skyward construction, will generate substantially more dust pollution than is normally experienced. My clients have concerns that the additional dust caught up in the air-cooled HVAC system will cause damage to the units, clog the filters and thereby greatly reduce the efficiency of the system.

My clients are seeking a solution and conditions that the contractor will implement to alleviate any damage to the HVAC units during the heavy and general construction periods.

Yours faithfully,

