

Item 4.**State Significant Development Application: 338 Pitt Street Sydney****File Nos.: SSD 10362 (D/2020/610)****D/2016/1509/A****Summary****Date of Submission:** 3 July 2020**Applicant/Developer/Owner:** China Centre Development Pty Ltd**Architect/Designer:** FJMT with Polly Harbison, Aileen Sage and Trias**Cost of Works:** \$726,854,975**Zoning:** B8 - Metropolitan Centre zone

Proposal Summary: The application proposes demolition, excavation and construction of two 80-storey towers and podium buildings containing 592 apartments, 158 hotel rooms, retail premises, basement car parking and servicing facilities. A publicly accessible plaza is to be provided at ground level with new through-site connections between Pitt, Liverpool and Castlereagh Streets.

The Capital Investment Value of the hotel exceeds \$100 million and is therefore a State Significant Development. The Minister for Planning and Public Spaces has delegated assessment of the application to the City of Sydney and to the Central Sydney Planning Committee for determination. The assessment, notification and report processes are in accordance with the requirements of the EP&A Act and as recommended by the Department of Planning, Industry and Environment.

A concept approval, D/2016/1509, applies to the site. A concurrent Section 4.55(2) application has been submitted to address inconsistencies between the concept approval and subject detailed design development application, including:

- Additional bulk and reduced setbacks to the northwest and southeast corners of the site.
- Amendments to conditions of consent regarding maximum height, location of apartments and a reduction in the minimum BASIX Energy score.

The concept approval as modified is substantially the same as that originally approved.

The applicant has undertaken a competitive design process in accordance with the City's requirements. The scheme prepared by the partnership led by FJMT with Polly Harbison, Aileen Sage and Trias was identified as the superior scheme and most likely to achieve design excellence. The detailed design application is substantially the same as the winning scheme and adequately addresses the recommendations of the competition jury.

The Environmental Impact Statement and Response to Submissions adequately address the Secretary's Environmental Assessment Requirements (SEARs). In particular, the development complies with the maximum height, floor space ratio and car parking development standards of the Sydney Local Environmental Plan 2012.

The development achieves a high standard of architectural design with appropriate materials and detailing for the CBD environment. The fine grain, varied podium designs and through site links will improve the quality and amenity of the public domain. Sufficient building separation, supported by thoughtful design, is provided to neighbouring sites. The site is not located within any view corridors and due to the slim tower profile will not unreasonably exacerbate already approved view impacts.

The towers are delineated by the skybridge and subtle change in building form on the upper thirds, however the skybridge needs to be reduced in bulk in accordance with a deferred commencement condition. The towers result in acceptable environmental impacts as discussed within the report and achieves a sufficient standard of sustainable design. The development provides sufficient landscaping on podiums which will contribute to local biodiversity and visual amenity. The development therefore achieves design excellence in accordance with Clause 6.21(4) of the Sydney LEP 2012.

A design verification statement prepared by FMJT accompanies the application and demonstrates that the development complies with the design quality principles of the State Environmental Planning Policy No. 65 and the objectives of Parts 3 and 4 of the Apartment Design Guide.

The City publicly exhibited the application for 28 days from 20 July 2020 to 17 August 2020. The City received 8 submissions from government and statutory agencies and 10 public submissions of objection. In response to issues raised in submissions, the applicant submitted a Response to Submissions (RtS) report which provided additional information, diagrams and justification for the proposal. The RtS was exhibited from 11 January 2021 to 25 January 2021.

The site is located over the future Sydney Metro tunnel and as such requires concurrence from Sydney Metro pursuant to 88A of the State Environmental Planning Policy (Infrastructure) 2007. Sydney Metro advises that insufficient information has been provided to be satisfied that the proposed construction will not adversely impact on the structural integrity of the tunnel. The applicant and Sydney Metro have discussed the matter and advise that, subject to the correct information being provided, concurrence can be issued. It is therefore recommended that, if the Committee is minded supporting the application it delegate determination to the Chief Executive Officer pending the receipt of concurrence from Sydney Metro.

Summary Recommendation: That the Central Sydney Planning Committee delegate determination for a deferred commencement consent to the Chief Executive Officer pursuant to Section 4.38 of the Environmental Planning and Assessment Act 1979 pending concurrence from Sydney Metro and demonstrating that the decision will not have a significant adverse financial impact on the Council.

Development Controls:

- (i) Sydney Airport Referrals Act 1996
- (ii) Sydney Water Act 1994
- (iii) Biodiversity Conservation Act 2016
- (iv) State Environmental Planning Policy 55 - Remediation of Land
- (v) State Environmental Planning Policy (Infrastructure) 2007
- (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (vii) State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development
- (viii) Apartment Design Guide 2015
- (ix) Sydney Local Environmental Plan 2012
- (x) Sydney Development Control Plan 2012
- (xi) Draft Central Sydney Planning Strategy 2020

Attachments:

- A. Assessment Report
- B. Recommended Conditions of Consent - SSD 10362
- C. Recommended Conditions of Consent - D/2016/1509/A
- D. Selected Drawings
- E. Competitive Design Process Jury Report

Recommendation

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not 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; and
- (B) pursuant to Section 4.38 of the Environmental Planning and Assessment Act 1979, authority be delegated to the Chief Executive Officer to determine application SSD 10362 (D/2020/610) pending the concurrence of Sydney Metro and subject to the Chief Executive Officer determining that the decision will not have a significant adverse financial impact on the Council..

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new hotel accommodation, public domain upgrades, a publicly accessible plaza and through site links and new retail spaces.
- (B) The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury.
- (C) The development complies with the maximum height, floor space and car parking controls contained under the Sydney LEP 2012.
- (D) The application demonstrates design excellence in accordance with the provisions of Clause 6.21 of the Sydney LEP 2012. The slim tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The fine grain, varied podium designs and through site links will improve the quality and amenity of the public domain. The towers result in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for residents, visitors and employees to the site, and is suitably located close to good public transport.

- (E) The development is anticipated to create 3,090 construction and 750 ongoing operational jobs.
- (F) The development has provided sufficient information to address the SEAR.
- (G) All other issues have been appropriately addressed by recommended conditions of consent.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Zabell, Senior Planner