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SYDNEY NSW 2000**

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Jessica Joseph  
Planner – City of Sydney Council  
Town Hall House  
456 Kent Street  
Sydney NSW 2000

Dear Jessica,

## **RESPONSE TO REQUEST FOR INFORMATION – CONCEPT DEVELOPMENT APPLICATION AT 372-382A PITT STREET, SYDNEY (D/2021/1504)**

This letter relates to the recent correspondence received from the City of Sydney dated 09 June 2022 and previous correspondence dated 19 April 2022 requesting amendments and additional information following an assessment of the Concept development application (DA) for the site at 372-382A Pitt Street, Sydney (D/2021/1504).

This letter sets out responses to each of the requests for amendments and additional information, and is accompanied by the following documentation:

- **Attachment A** – Revised Building Envelope Plans
- **Attachment B** – Revised Design Report
- **Attachment C** – Response to Sydney Metro
- **Attachment D** – Sydney Metro Concurrence
- **Attachment E** – Response to Sydney Water
- **Attachment F** – Revised Preliminary Stage 1 Site Investigation Report
- **Attachment G** – Revised Sustainability Report
- **Attachment H** – Additional Pedestrian Wind Assessment
- **Attachment I** – Façade Maintenance Letter
- **Attachment J** – Revised Preliminary Public Art Strategy
- **Attachment K** – Revised Waste Management Plan
- **Attachment L** – Revised Loading Dock Management Plan
- **Attachment M** – Revised Design Excellence Strategy

The 3D digital and physical model will be submitted to the City of Sydney under a separate cover.

## 1. PROPOSED ENVELOPE AMENDMENTS

In the City of Sydney's letter dated 09 June 2022, the City of Sydney provided additional feedback on the proposed amendments to the building envelope plans. Specifically, the City of Sydney recommended in part:

- *It is recommended that a new infill is provided in the footprint of the removed northern terrace to prioritise pedestrians over vehicles at footway crossovers and reduce the visual impact of a large 'void' in the building form fronting Pitt Street. Accordingly, an infill creates the opportunity to add unique character and interesting architectural relationship with the terraces. This may also provide an opportunity for public art.*
- *It is recommended that the northern edge of the tower is brought to meet the height of the retained terraces and the northern 'shoulder' of the two-step podium deleted.*
- *It is recommended that the plans be revised to accommodate a 1m wide path of egress along the northern boundary for The Chambers building.*
- *The retained terraces are shown in elevation, whilst only the retained facade is shown on plan. It is unclear how much of the existing structure behind the terraces is maintained. The amount of retained structure should be meaningful.*
- *It is preferred if the tower was revised to taper above 120m above ground.*
- *Accordingly, it may be appropriate to taper and shift the tower further south (whilst maintaining 6m separation to the outer edge of the Masonic tower) to achieve compliance with Section 5.1.1.3 and 5.1.1.4 as to negate satisfying Schedule 12 of SDCP 2012.*

The above recommendations have all been adopted and accommodated within the revised Building Envelope Plans included at **Attachment A**, and the revised Reference Scheme Plans at **Attachment B** with only minor exception. Specifically, the proposed tower envelope has been amended to demonstrate that the side setbacks are compliant with the controls outlined in Section 5.1.1.3 of the Sydney Development Control Plan 2012 (SDCP 2012).

The suggestion that the tower envelope taper above 120m above ground has however not been adopted. The tapering provisions outlined in Section 5.1.1.4 of the SDCP 2012 are provided to achieve the following objectives:

- a) *Ensure that tall buildings are slender and do not appear as walls or as overly massive from any direction.*
- b) *Ensure residential accommodation, serviced apartment and self-contained hotel developments present as slender buildings.*
- c) *Ensure that buildings are slimmest at their peaks so that in the overall city form buildings become less bulky at their upper limits.*

The proposed building envelope has a floor plate of only 406sqm. As such it is objectively a slender tower form, that will not appear as overly massive in any direction. The proposed tower form is also the slimmest at its peak and it does not result in an overall bulky skyline form. As demonstrated in **Attachment B**, the proposal provides setbacks to all other surrounding properties and buildings and views to the sky from the public domain.

As such, the objectives of Section 5.1.1.4 can be achieved notwithstanding the variation to the tapering dimension provisions.

Further, given the small size of the floor plate and the relative height of the proposed tower, in addition to the location of subterranean infrastructure running diagonally through the site, the current structural engineering solution for the proposed building is relies on building structure running through the tower on the perimeter of the façade. Requiring a tapering above 120m would undermine this structural strategy, which is proposed to provide some rigidity to an otherwise tall and slender tower form.

As such, the proposal does not adopt tower tapering above 120m given the unique circumstances of the site. However, it is also noted that the additional setback at the south eastern corner of the tower form reduces the area of the tower consistent with the requirements of Section 5.1.1.4, in addition to excess setbacks to the north eastern façade. As such, the proportions of the tower are reduced to achieve no more than 90% of the site area as required by Section 5.1.1.4.

It is also noted that the proposed driveway width has been reduced to the extent feasible while maintaining adequate swept paths to access the site and fire egress to 370 Pitt Street. Revised swept paths for the 9.24m City of Sydney waste vehicle, which is anticipated to be the largest vehicle accessing the loading dock, being the largest vehicle anticipated to service the site, are provided at **Attachment L**.

## 2. DESIGN ADVISORY PANEL

### Retention of Existing Edwardian Terraces

#### City of Sydney Comment:

*The site contains a surviving row of Edwardian Free Classical commercial buildings c.1910 designed by Eaton and Bates. Whilst altered at street level, the row is substantially intact above the awning. The buildings have some integrity as a homogenous group, which have historic links to and are aesthetically distinctive within the context.*

*Whilst it is acknowledged that the existing buildings are not heritage listed, an adaptive reuse and integration of the group would add unique character and interest to the project and provide a significant contribution to the local character and to the setting of neighbouring heritage items. The DAP recommended that all but the northern terrace, the remaining Edwardian terrace facades and structure be retained and integrated with the base of tower where ancillary uses are proposed to be provided.*

*At the Stage 1 phase, it is strongly recommended that the podium of the reference design be reconfigured to retain the existing terrace facades, floor levels and a meaningful -part of the structure behind, whilst accommodating adequate on-site servicing requirements via Carruthers Place. Council recognises that this will require the removal of the northern terrace at 372 Pitt Street. Amended concept and reference scheme plans should be submitted showing the retention of the existing terraces (374-378A Pitt Street).*

Although the facades are not heritage listed, the proposed building envelope and reference scheme has been revised to include the retention of the existing historic facades along Pitt Street, except for the northern most bay (adjacent to Carruthers Place) which is required to be removed to allow for vehicular access, loading and servicing to occur on site.

The retention of the historic facades, and a minimum of 6m depth, are illustrated within the Reference Scheme Plans at **Attachment B**. The retention of the historic facades is also shown within the Building Envelope Plans at **Attachment A**.

## Podium Design

### City of Sydney Comment:

*The proposal seeks a variation to the minimum street front setback of 8m stipulated under Part 5.1.1.1 of Sydney DCP 2012 (DCP). The proposal seeks a two-step front setback for the concept podium, providing an initial street frontage height of 13.5m (level 4) and a secondary height of 19m (level 6). The two-step street setback is not supported by Council officers or DAP for urban design reasons and that unnecessarily contributes to the bulk and mass of the tower.*

*The podium is to be revised to provide a single 8m setback above the existing 13.5m street wall height to meet the objectives and comply with the provisions of Part 5.1.1.1 of DCP.*

The front setback of the Building Envelope Plans (**Attachment A**) has been revised to remove the two-stepped setback above the street frontage height (street frontage height now shown as the existing height of the retained historic facades along Pitt Street). The front setback now incorporates a single setback of 8m above street frontage height, complying with the relevant provisions of the SDCP 2012.

## Tower Separation Adjustments

### City of Sydney Comment:

*The proposal relies on a departure from minimum tower separation distances for a residential tower. The DAP expressed significant concerns on the proposed separation between the proposed tower and the Masonic Centre. The proposed separation of 4.36m is considered insufficient and does not achieve the objectives of Part 5.1.1.3 of DCP, to 'promote separate buildings' and 'avoid the appearance of a contiguous wall of towers, where groups of tall buildings appear as one unbroken mass.' However, a departure from the minimum distance could be supported in this instance. The separation between the proposed tower and the Masonic Centre tower should be increased to a minimum of 6m.*

*In increasing the tower separation, this should not be at the expense of the minimum 8m street setback from Pitt Street. Accordingly, it may be appropriate that the proposed tower is adjusted in location and shifted north to achieve this minimum separation to the tower of the Masonic Centre, subject to an updated wind impact assessment. Design iterations and options providing increased separation to the tower of the Masonic Centre are to be submitted with accompanying analysis for consideration. This will also require further design resolution to:*

- *Appropriate manage the interface to the rear (eastern boundary) between Museum Towers.*
- *Achieve adequate separation to the northern neighbour, The Chambers at 362-370 Pitt Street.*

The Building Envelope Plans (**Attachment A**) have been revised to provide increased separation between the tower and the Masonic Centre resulting in a consistent minimum 6m separation being provided whilst maintaining the 8m front setback to Pitt Street above street frontage height. This achieves the objectives of Section 5.1.1.3 of the SDCP 2012. This will enable the proposed tower to be viewed from the public realm as having clear separation from the Masonic Centre and viewed 'in the round'.

The tower setback from the northern boundary has been increased to 6.29m (adjoining The Chambers building at 362-370 Pitt Street). The proposed tower is setback 6.31m from the southern boundary, and 1.5m from the eastern boundary (discussed further below). These proposed side setbacks comply with the SDCP 2012 provisions for towers between 120m and 240m in height (3.33% of total height of building).

The proposed setbacks achieve a balanced approach in accordance with the recommendations of the Design Advisory Panel (DAP) and enables appropriate tower separation to the south and to the north (should The Chambers building ever be redeveloped in the future).

## Rear Setback

### City of Sydney Comment:

*Section 5.1.1.3(7) of DCP requires a minimum rear setback of 2m to allow maintenance of the facade from a building maintenance unit (BMU) fully within the site boundary unless an easement exists for maintenance access over the adjoining land. The proposal provides a nil setback to the rear boundary with various facade maintenance options identified in the supporting documentation. These options including notches in the facade to facilitate BMUs, or an access easement over the podium of the Masonic Centre.*

*Any access easement over the podium of the Masonic Centre will need to be confirmed prior to determination of the Stage 1 Concept DA to provide certainty before any variations to the minimum rear setback can be considered. In the absence of specific details, it is recommended that the proposal be revised to provide a compliant rear setback of 2m.*

The rear (eastern) setback has been increased to allow for façade cleaning and maintenance. The revised building envelope plans demonstrate that the tower has been setback 1.5m from the eastern boundary which allows sufficient space for glass panels to be replaced and is considered an appropriate setback whilst achieving the objectives of Section 5.1.1.3(7) of the SDCP 2012.

A statement has been prepared by a qualified façade access consultant confirming that the 1.5m setback is a functional, safe and practical solution which provides adequate clearance to the boundary for both the suspended cradle and glass panel whilst remaining inside the boundary line. Refer to the Façade Letter included at **Attachment I** for details.

## 3. SYDNEY METRO

### City of Sydney Comment:

*The City has not received any information to satisfy Sydney Metro's request dated 24 January 2022. Refer to Appendix A of this letter. Please provide an update on the status of this information.*

A response was provided to Sydney Metro on 18 February 2022. This response noted that several technical reports were submitted with the Concept DA in December 2021 which sought to assess the potential for impacts on the rail and metro corridor tunnels as a result of the proposed development.

Following this response in February 2022, Sydney Metro reviewed the technical documentation submitted at the time of lodgement and subsequently granted their concurrence on 22 April 2022.

The response to Sydney Metro and letter of concurrence were subsequently issued to the City of Sydney on 29 April 2022. Refer to **Attachment C** and **Attachment D** for the letter response to Sydney Metro, and confirmation of Sydney Metro's concurrence.

## 4. SYDNEY WATER

### City of Sydney Comment:

*The site is bisected by a 914 x 1,371mm wastewater trunk main from northwest to southeast. The location of this critical wastewater trunk asset may constrain development.*

*It is highly recommended that a Water Servicing Coordinator applies for a Feasibility Application from Sydney Water to further investigate and provide confirmation that the proposal will not adversely impact the wastewater trunk main. Refer to Appendix B of this letter.*

The Proponent has engaged with Sydney Water in relation to the current status of the development. As part of this engagement, it was noted that the proposed development is at the Concept DA stage and as a result, the design is subject to change through the future Architectural Design Competition and subsequent Detailed DA.

In May 2022, it was agreed that further consultation would be required with Sydney Water once the detailed design and supporting material has been further progressed and finalised. Refer to the Sydney Water response letter (dated 17 May 2022) included at **Attachment E** for further details.

## 5. OTHER MATTERS

### Architectural Plans

#### City of Sydney Comment:

*Please include the following information on the revised set of architectural plans:*

- 1. External walls and windows of all adjacent buildings including, The Chambers, Museum Towers, Masonic Centre and tower, and Ibis Hotel;*
- 2. RLs of uppermost portions of envelopes and critical junctions; and*
- 3. Dimension the separation to the Masonic Centre tower.*

Refer to the revised envelope plans included at **Attachment A** for details. The revised Reference Scheme Plans can be found in the Revised Design Report at **Attachment B**.

### Land Contamination

#### City of Sydney Comment:

*The accompanying Preliminary Site Investigation (PSI) report prepared by EI Australia reveals that the site is likely to be contaminated due to past commercial uses including manufacturing activities from at least 1950s. A Detailed Environmental Site Investigation (DESI) is required to be provided.*

*A DESI must be carried out by a suitably qualified and competent environmental consultant. It must be prepared in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land confirming that the site is suitable (or will be suitable, after remediation) for the proposed use and submitted to the City for review.*

*Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) must be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the City for review.*

The existing site has been continuously used for commercial uses since at least the 1950s. Based on the Preliminary Site Investigation, EI have determined that the potential contamination sources (from parking, restaurants, various small scale commercial activities) identified on and around the site are unlikely to result in significant or widespread subsurface contamination. Importantly no physical works are proposed as part of the Concept DA and as such there is no risk of exposing contaminants as part

of the proposed scope of works. As such it is recommended that a Detailed Environmental Site Investigation (DSI) should be completed prior to the lodgement of a Detailed DA. This would enable confirmation of any management or mitigation measures required during the construction phase of the development prior to seeking approval for any construction works on the site.

Deferring the preparation of a DSI to prior to the lodgement of a Detailed DA is also considered appropriate given there is limited access for any drilling equipment for soil/groundwater sampling on the site currently.

Notwithstanding the above, EI consider that while some contamination would be identified in the DSI, the type and extent of any contamination is unlikely to preclude development of the site for the land uses proposed or require longer term management or regulation and can be managed through the development application process. As such any contamination can be appropriately mitigated/managed and the land can be made suitable for the proposed mixed use (commercial and residential) development.

The requirement to prepare a Detailed Stage 2 Environmental Site Investigation would unreasonably delay the determination of the Concept DA as well as the commencement of the Architectural Design Competition. This recommendation is supported by a statement from the environmental engineer and is included at **Attachment F**.

It is therefore requested that the determination of the Concept DA is subject to a condition of consent requiring a Detailed Environmental Site Investigation (and subsequent Remediation Action Plan, if required) to be carried out prior to the commencement of any works on site.

## **Design Excellence Strategy**

### **City of Sydney Comment:**

*An updated Design Excellence Strategy is to be provided to address Council's Design Excellence Unit comments. Refer to Appendix C of this letter.*

A revised Design Excellence Strategy was submitted to Council and the Design Excellence team on 9 June 2022. A meeting was subsequently held with the Design Excellence team on 29 June 2022 to discuss some of the proposed amendments. The latest revised Design Excellence Strategy is provided at **Attachment M** for endorsement by the City of Sydney.

## **Sky View Factor Analysis**

### **City of Sydney Comment:**

*An updated Sky View Factor Analysis is required for the revised concept envelope in accordance with Part 5.1.1.1(3) and Schedule 12 of DCP.*

Schedule 12 of the SDCP 2012 was prepared to primarily address tower cluster provisions where sites would be eligible for significant uplift in floor space ratio and building height development standards. The revised envelope at Attachment A has been amended to demonstrate compliance with the required side and rear setbacks of the SDCP 2012 and thereby a Sky View Factor Analysis is not required for the revised concept envelope.

## **Wind Conditions**

### **City of Sydney Comment:**

*A revised wind assessment report for the revised concept envelope to assess the impact of design options for the location of the tower (Item 4 above) is to be submitted for consideration.*

Following the amendments to the built form massing and setbacks (as set out above), the pedestrian wind environment assessment has been reviewed in order to understand the impact of these design changes on the wind conditions around the site.

Having considered the results of the previous wind tunnel study, it is expected that wind conditions within and around the proposed development are not likely to be impacted by the built form changes to the tower. This is mainly due to the slender tower form and the substantial sheltering of the dense urban area surrounding the site. A Pedestrian Wind Environment Statement is provided at **Attachment H**.

## **Public Art**

In response to Council's feedback that opportunities for public art will only be supported that are either accessible or highly visible from the public domain, the opportunities for potential integration of public art within the development have been identified in the following locations:

- Laneway artwork within the laneway space and/or along the northern façade of the development site fronting Carruthers Place.
- Integrated awning treatment at the entrance to the lobby from Pitt Street.
- Artist in residence and exhibition space (location to be defined in future stages).

Although these locations may be impacted by the final design of the building (and following competition of the Architectural Design Competition), the locations identified above are considered most likely to remain accessible or visible from the public domain as the design of the building develops.

While the Artist in Residence and Exhibition Space has been identified as a potential public art opportunity, the location of this space will be confirmed as part of the future Detailed DA. If this opportunity is selected, the detailed design of the proposed development would ensure that the exhibition space is publicly accessible and that there will be a commitment to ongoing funding and longevity.

The public art procurement process would be a separate and distinct phase which is separate to the Architectural Design Competition. The Preliminary Public Art Strategy has also been updated to confirm a targeted public art budget of 1% of the development's capital investment value (CIV), and that Council's Public Art Team will be consulted prior to the development of the Detailed Public Art Plan. The omissions on Pages 8, 10 and 11 have also been clarified and updated.

The revised Preliminary Public Art Strategy is included at **Attachment J**.

## **Model**

### **City of Sydney Comment:**

*Please submit revised electronic 3D and physical models to reflect the above comments.*

A revised 3D digital model and physical model will be submitted to Council under a separate cover.

## **Ecologically Sustainable Development (ESD)**

The Sustainability Report has been updated to clarify that the proposed development intends to a 4 Star Green Star Certified Buildings rating as part of Australian best practice environmental initiatives.



This aims to ensure that the sustainability commitments relate to the 'whole building' under a single recognised building rating scheme.

The Green Star buildings pathway included within the updated Sustainability Report also sets out minimum expectations and additional sustainability initiatives to improve the environmental performance of the whole building, which includes consideration of a high performance façade system and additional electrical infrastructure.

Refer to the revised Sustainability Report (dated 16 May 2022) at **Attachment G** for details.

## Reference Scheme

City of Sydney comments relate to the design of the following components of the reference scheme:

- Separate Lobby
- Communal Open Space
- Solar and Daylight Access
- Vehicle Access
- Loading Dock Management Plan
- Car Parking
- Waste Management Plan

The revised reference scheme addressing each of the above comments is provided at Attachment B. Further information on the proposed waste management for the building is outlined in the revised Waste Management Plan at **Attachment K** and the revised Loading Dock Management Plan at **Attachment L**.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

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CC: Michael Soo – Area Planning Manager (City of Sydney Council)