

Resolution of Central Sydney Planning Committee

17 August 2023

Item 5

Development Application: 133-141 Liverpool Street, Sydney - D/2022/495

Moved by the Chair (the Lord Mayor), seconded by Councillor Chan -

It is resolved that consent be granted to Development Application No. D/2022/495 subject to the conditions set out in Attachment A to the subject report to the Central Sydney Planning Committee on 17 August 2023, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/495 dated 30 May 2022 and the following architectural drawings prepared by Candalepas Associates and stratum subdivision drawings LTS:

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
DA-2-1001 (Issue E)	Basement 8	7 June 2023
DA-2-1002 (Issue E)	Basement 7	7 June 2023
DA-2-1003 (Issue E)	Basement 6	7 June 2023
DA-2-1004 (Issue E)	Basement 5	7 June 2023
DA-2-1005 (Issue E)	Basement 4	7 June 2023
DA-2-1006 (Issue E)	Basement 3	7 June 2023
DA-2-1007 (Issue E)	Basement 2	7 June 2023
DA-2-1008 (Issue E)	Basement 1	7 June 2023

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
DA-2-1010 (Issue F)	Ground Floor	11 July 2023
DA-2-1010 (Issue G)	Ground Floor	15 August 2023
DA-2-1011 (Issue E)	Level 01 (Commercial)	7 June 2023
DA-2-1012 (Issue F)	Level 02 (Commercial)	11 July 2023
DA-2-1013 (Issue F)	Level 03 (Commercial)	11 July 2023
DA-2-1014 (Issue F)	Level 04 (Commercial)	11 July 2023
DA-2-1015 (Issue E)	Level 05 (Plant)	7 June 2023
DA-2-1016 (Issue F)	Level 06 (Podium)	11 July 2023
DA-2-1017 (Issue E)	Level 07 (Podium Roof)	7 June 2023
DA-2-1018 (Issue E)	Level 8-9 (Residential)	7 June 2023
DA-2-1020 (Issue E)	Level 10-15 (Residential)	7 June 2023
DA-2-1026 (Issue E)	Level 16-20 (Residential)	7 June 2023
DA-2-1031 (Issue E)	Level 21 (Residential)	7 June 2023
DA-2-1032 (Issue E)	Level 22 (Residential)	7 June 2023
DA-2-1033 (Issue E)	Level 23-27 (Residential)	7 June 2023
DA-2-1038 (Issue E)	Level 28 (Plant)	7 June 2023
DA-2-1039 (Issue E)	Level 29-35 (Residential)	7 June 2023
DA-2-1046 (Issue E)	Level 36-39 (Residential)	7 June 2023
DA-2-1050 (Issue E)	Level 40-45 (Residential)	7 June 2023
DA-2-1056 (Issue E)	Level 46-47 (Residential)	7 June 2023
DA-2-1058 (Issue E)	Level 48 (Plant)	7 June 2023
DA-2-1059 (Issue E)	Level 49 (Residential)	7 June 2023
DA-2-1060 (Issue E)	Level 50 (Residential)	7 June 2023
DA-2-1061 (Issue E)	Level 51 (Residential)	7 June 2023
DA-2-1062 (Issue E)	Level 52 (Residential)	7 June 2023
DA-2-1063 (Issue E)	Level 53 (Residential)	7 June 2023
DA-2-1064 (Issue E)	Level 54 (Plant)	7 June 2023

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
DA-2-1065 (Issue E)	Roof	7 June 2023
DA-2-1091 (Issue C)	Adaptable Unit Plans	12 December 2022
DA-2-1092 (Issue C)	Adaptable Unit Plans	12 December 2022
DA-2-1093 (Issue C)	Adaptable Unit Plans	12 December 2022
DA-2-1101 (Issue E)	Section A	7 June 2023
DA-2-1102 (Issue E)	Section B	7 June 2023
DA-2-1103 (Issue E)	Section C	7 June 2023
DA-2-1103 (Issue G)	Section C	15 August 2023
DA-2-1201 (Issue E)	Elevation-North	7 June 2023
DA-2-1202 (Issue E)	Elevation-East	7 June 2023
DA-2-1202 (Issue G)	Elevation-East	15 August 2023
DA-2-1203 (Issue E)	Elevation-South	7 June 2023
DA-2-1204 (Issue E)	Elevation-West	7 June 2023
DA-2-1251 (Issue E)	Context North Elevation	7 June 2023
DA-2-1252 (Issue E)	Context East Elevation	7 June 2023
DA-2-1401 (Issue E)	Ventilation Diagrams Level 10-27	7 June 2023
DA-2-1402 (Issue E)	Ventilation Diagrams Level 29-45	7 June 2023
DA-2-1403 (Issue E)	Ventilation Diagrams 46-50	7 June 2023
DA-2-1410 (Issue E)	Cross Ventilation Diagrams	7 June 2023
DA-2-1421 (Issue E)	Schedule of Openings – Sheet 1	7 June 2023
DA-2-1422 (Issue E)	Schedule of Openings – Sheet 2	7 June 2023
DA-2-1431 (Issue E)	Winter Garden and Awning Window Detail Section	7 June 2023
Stratum Subdivision Drawings - LTS		
Sheet 1 of 22 sheet(s) (Issue B)	Location Plan	24 July 2023
Sheet 2 of 22 sheet(s) (Issue B)	Basement 3-8	24 July 2023

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
Sheet 3 of 22 sheet(s) (Issue B)	Basement 2	24 July 2023
Sheet 4 of 22 sheet(s) (Issue B)	Basement 1	24 July 2023
Sheet 5 of 22 sheet(s) (Issue B)	Ground Floor	24 July 2023
Sheet 6 of 22 sheet(s) (Issue B)	Level 1	24 July 2023
Sheet 7 of 22 sheet(s) (Issue B)	Level 2	24 July 2023
Sheet 8 of 22 sheet(s) (Issue B)	Levels 3-4	24 July 2023
Sheet 9 of 22 sheet(s) (Issue B)	Level 5	24 July 2023
Sheet 10 of 22 sheet(s) (Issue B)	Levels 6-7	24 July 2023
Sheet 11 of 22 sheet(s) (Issue B)	Levels 8-20	24 July 2023
Sheet 12 of 22 sheet(s) (Issue B)	Level 21	24 July 2023
Sheet 13 of 22 sheet(s) (Issue B)	Levels 22-27	24 July 2023
Sheet 14 of 22 sheet(s) (Issue B)	Level 28	24 July 2023
Sheet 15 of 22 sheet(s) (Issue B)	Levels 29-47	24 July 2023
Sheet 16 of 22 sheet(s) (Issue B)	Level 48	24 July 2023
Sheet 17 of 22 sheet(s) (Issue B)	Levels 49-50	24 July 2023
Sheet 18 of 22 sheet(s) (Issue B)	Level 51	24 July 2023
Sheet 19 of 22 sheet(s) (Issue B)	Level 52	24 July 2023
Sheet 20 of 22 sheet(s) (Issue B)	Level 53	24 July 2023
Sheet 21 of 22 sheet(s) (Issue B)	Level 54	24 July 2023
Sheet 22 of 22 sheet(s) (Issue B)	Roof Level & Above	24 July 2023

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(88) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)

The following conditions apply to the development:

- ~~(a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.~~
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site **or Deicorp Projects (Liverpool St) Pty Ltd** has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$398,250 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$398,250 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- a. make the building safe and of an appearance acceptable to Council at ground level;
- b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from the principal certifier) that the relevant stage is complete;

- (ii) Detailed schedule of completed works carried out in the relevant stage;
- (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Reason

To allow for the appropriate management of sites where development (demolition/excavation/construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

Reasons for Decision

The application is approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (D) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (E) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the Central Sydney locality.
- (F) The proposed development is consistent with the amended concept approval for the site, being D/2018/1144/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (G) Subject to the recommended condition of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Central Sydney locality, subject to the recommended conditions.

- (I) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.
- (J) For the reasons above and as detailed in the assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

Carried unanimously.

D/2022/495