

# Resolution of Central Sydney Planning Committee

25 July 2024

## Item 4

### Section 4.55 Application: 499-501 Kent Street, Sydney - D/2020/1224/A

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

It is resolved that consent be granted to section 4.55(2) modification application D/2020/1224/A subject to the amendment of the following conditions (additions shown in **bold italics** and deletions shown in ~~strike through~~), as follows:

#### (2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/1224 dated 17 November 2020 and the following drawings prepared by **SJB PTW Architects**:

Drawing Number	Drawing Name	Date
<del>DA-08-1000 Rev A</del> <b>DA-0050 Rev 5</b>	Envelope Plans	<del>22.09.20</del> <b>18.04.24</b>
<del>DA-08-2000 Rev A</del> <b>DA-0051 Rev 5</b>	<b>Envelope</b> North Elevation	<del>22.09.20</del> <b>18.04.24</b>
<del>DA-08-2100 Rev A</del> <b>DA-0052 Rev 5</b>	<b>Envelope</b> East Elevation	<del>22.09.20</del> <b>18.04.24</b>
<del>DA-08-3000 Rev A</del> <b>DA-0053 Rev 5</b>	Envelope Section	<del>22.09.20</del> <b>18.04.24</b>
<b>DA-0270 Rev 1</b>	<b>Demolition Plan – Basement 1</b>	<b>19.04.24</b>
<b>DA-0271 Rev 1</b>	<b>Demolition Plan – Ground Level</b>	<b>19.04.24</b>
<b>DA-0272 Rev 1</b>	<b>Demolition Plan – Level 01</b>	<b>19.04.24</b>
<b>DA-0273 Rev 1</b>	<b>Demolition Plan – Level 02</b>	<b>19.04.24</b>

Drawing Number	Drawing Name	Date
<b>DA-0274 Rev 1</b>	<b>Demolition Plan – Level 03</b>	<b>19.04.24</b>
<b>DA-0275 Rev 1</b>	<b>Demolition Heritage Elevation</b>	<b>19.04.24</b>

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.

**Amended – D/2020/1224/A – 25 July 2024**

**(4) BUILDING HEIGHT**

The height of the tower envelope must not exceed RL 95.600 (AHD) and must not cause additional overshadowing to the Future Town Hall Square, between 12 noon and sunset all year, in accordance with the approved Planning Proposal – Central Sydney 2020.

The height of the podium envelope must not exceed **RL 31.89** ~~31.700~~ (AHD) to its Kent Street (eastern) frontage.

**Amended – D/2020/1224/A – 25 July 2024**

**(11) PUBLIC ART**

- (a) The ‘Public Art Strategy’, reference P2207, dated October 2020 and prepared UAP Studio (Council reference Trim 2020/517632) must be incorporated into the competitive design process brief.
- (b) Selected artists concepts must be presented to the City of Sydney’s Public Art Unit prior to the development of detailed public art plan.
- (c) A Detailed Public Art Plan, based upon the **Preliminary Public Art Plan prepared by Barbara Flynn Pty Ltd dated April 2024** ~~public art strategy referred to in (a) above~~, must be prepared and submitted prior to the issue of a Construction Certificate for above ground works.
- (d) All public artwork must be in accordance with the relevant objectives and provisions of the Sydney Development Control Plan 2012, the City of Sydney Public Art Policy, and the City of Sydney Interim guidelines: public art in private developments.

Note: All public art must be reviewed and endorsed by the City’s Public Art Unit and/or the City of Sydney Public Art Advisory Panel, prior to submission for Council approval.

**Amended – D/2020/1224/A – 25 July 2024**

## (12) HERITAGE CONDITIONS

The Stage 2 development application must consider the following:

- (a) The Stage 2 DA must retain all the building facades and structural elements specified for retention in the stage 1 DA ***with the exception of internal floor slab, columns, facades elements and walls as shown in the drawings prepared by SJB and referenced under Condition (2) above.*** No additional demolition or a change to existing façades except for conservation works is allowed.
- (b) The Stage 2 design must incorporate all the conservation and reconstruction works specified in the Schedule of Conservation Works prepared by NBRSA Architecture Heritage and dated ***September 2023*** ~~October 2020~~.
- (c) The Stage 2 design is to ***include a Heritage Interpretation Plan that includes options for*** incorporate an interpretation of the existing stair/lift configuration and the existing light-well at the south-east corner (south of existing stair-well). ~~For example, the stair-well windows facing the lightwell above ground should be retained to interpret the light-well location.~~
- (d) The Stage 2 DA is to include a heritage interpretation plan specifying how the history and significance of the heritage building is interpreted under the new development. A large portion of wall surfaces of the lobby area should be utilised for high quality interpretations.
- (e) The Stage 2 DA is to include an archaeological assessment report addressing archaeological potential of the site.
- (f) The Hydraulic booster location needs to be appropriately resolved in the stage 2 design, without compromising the heritage facade.

***Amended – D/2020/1224/A – 25 July 2024***

## (20) STREET TREES

- (a) ~~All street trees adjoining the site must be included for retention with any subsequent detailed design development application.~~
- (b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain in a subsequent detailed design development application must ensure appropriate setbacks are provided from the ***replacement street trees on Kent Street*** to allow maturity of the tree to be achieved.
- (c) ~~The location of any driveway must ensure that the removal of any existing street tree is not required. Any driveway must be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.~~

***Amended – D/2020/1224/A – 25 July 2024***

### **(30) LEVELS AND GRADIENTS**

An Application for Levels and Gradients, including supporting information, must be lodged **as required by any** with the Stage 2 Development Application for all frontages to the site. ~~The Levels and Gradients approval must be issued prior to the determination of the Stage 2 Development Application.~~

***Amended – D/2020/1224/A – 25 July 2024***

#### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
- (B) The proposed modifications ensure the detailed design development application is consistent with the concept approval, in order to satisfy Section 4.24 of the *Environment Planning and Assessment Act 1979*.
- (C) The proposal is consistent with the aims, objectives, and relevant provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 for the reasons set out in the report.
- (D) The modified building envelope can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The changes to the approved building envelope are in keeping with the desired future character of the area. The changes are reasonable and justified with regard to the concurrent detailed design development application D/2023/868.
- (F) The changes to the approved building envelope are appropriate and are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (G) The development, as modified, is in the public interest.

Carried unanimously.

D/2020/1224/A