



# Central Sydney Planning Committee

Meeting No 456

Thursday 2 April 2020

Notice Date 27 March 2020

*minutes*

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**Present**

The Right Hon The Lord Mayor – Councillor Clover Moore (Chair), Deputy Lord Mayor – Councillor Jess Scully, Councillor Professor Philip Thalis, Ms Abbie Galvin, Mr Brett Whitworth, Mr Dick Persson AM, and Mr Richard Horne.

At the commencement of business at 5.04pm, those present were:

The Lord Mayor, Councillor Scully, Councillor Thalis, Ms Galvin, Mr Whitworth, Mr Persson, and Mr Horne.

The Director City Planning, Development and Transport was also present.

**Item 1      Disclosures of Interest**

No Members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Central Sydney Planning Committee.

**Local Government and Planning Legislation Amendment (Political Donations) Act 2008**

No disclosures were made by any members of the public at this meeting of the Central Sydney Planning Committee.

**Item 2      Confirmation of Minutes**

Moved by the Chair (the Lord Mayor), seconded by Councillor Thalis –

That the minutes of the meeting of the Central Sydney Planning Committee of 12 March 2020, as circulated to Members, be confirmed.

Carried unanimously.

**Item 3      Matters Arising from the Minutes**

There were no matters arising from the minutes of the Central Sydney Planning Committee of 12 March 2020.

**Item 4      Section 4.55 Application: 65-77 Market St, Sydney - D/2017/167/A**

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

It is resolved that consent be granted to Section 4.55 Application No. D/2017/167A subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2017/167 dated 10 February 2017 and the following drawings prepared by Bates Smart:

Drawing Number	Drawing Name	Date
<b>DA.01.001 A</b>	<b>Solar Access Plane Study</b>	<del>15 December 2016</del>
<b>DA.01.002 A</b> <i>DA1.1200 Rev 01</i>	Solar Access Plane Study Section	<del>15 December 2016</del> <b>8 March 2019</b>
<b>DA.02.100 B</b> <i>DA1.1000 Rev 01</i>	<b>Key Plan</b> —Typical Level Plans	<del>8 August 2017</del> <b>8 March 2019</b>
<b>DA.02.101 B</b> <i>DA1.1001 Rev 01</i>	<b>Key Plan</b> —Typical Level Plans	<del>8 August 2017</del> <b>8 March 2019</b>
<i>DA1.1002 Rev 01</i>	<b>Typical Level Plans</b>	<b>8 March 2019</b>
<i>DA1.1003 Rev 01</i>	<b>Typical Level Plans</b>	<b>8 March 2019</b>
<b>DA.02.102 B</b> <i>DA1.1100 Rev 01</i>	<b>Key Plan</b> —Elevation East <i>Castlereagh Street Elevation</i>	<del>8 August 2017</del> <b>8 March 2019</b>
<b>DA.02.103 B</b> <i>DA1.1101 Rev 01</i>	<b>Key Plan</b> —Elevation North <i>Market Street Elevation</i>	<del>8 August 2017</del> <b>8 March 2019</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.

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The application is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act 1979;
- (B) 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 reasons set out in the report; and
- (C) The changes to the approved building envelope are considered appropriate and are not likely to impact the overall use of the building nor the amenity of surrounding sites.
- (D) The development as modified is in the public interest.

Carried unanimously.

D/2017/167/A

**Speaker**

Mr Tim Blythe (Urbis) - on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

## Item 5 Development Application: 65-77 Market St, Sydney - D/2019/263

Moved by the Chair (the Lord Mayor), seconded by Councillor Thalis –

It is resolved that consent be granted to Development Application No D/2019/263, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 2 April 2020, and subject to the following amendments (additions shown in ***bold italics***, deletions shown in strikethrough):

### (2) STAGED CONSTRUCTION CERTIFICATES

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for stage as outlined in the table below:

Stage:	Works:
Stage 1 Construction Certificates – Works within the existing podium:	
<i>Early Works CC</i>	<b><i>Demolition and enabling works together with temporary works to facilitate construction and access</i></b>
Stage 1A CC	<b><i>Demolition and n</i></b> New structure, including: <del>demolition works (including structural demolition)</del> ; all temporary works; all in ground services, drainage and substation; and new structure.
Stage 1B CC	Facade works
Stage 1C CC	Retail – Services and finishes (including services on Levels 13 and 14)
Stage 1D CC	Commercial – Services and finishes
Stage 2 Construction Certificates – Residential Tower (New Structure):	
Stage 2A CC	Structure (Level 14 above)
Stage 2B CC	Services
Stage 2C CC	Facade works
Stage 2D CC	Finishes
Stage 2E CC	Landscape and Public Art

- (b) Various conditions in this consent make reference to the requirements of conditions and the stage in which they may be satisfied.

**(12) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Development Contributions Plan 2013* in accordance with the following:

- (a) Prior to ***any Stage 1A Construction Certificate Early Works Construction Certificate*** being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifier, together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Principal Certifier accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below. Any item for which an exemption has been granted is still to be included in the total cost of development, together with an itemised value to enable the City to calculate the value of the exemption.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.

**(41) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP OR HIS**

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the amended Conservation Management Plan must be submitted prior to the issue of an ~~Stage 1A Construction Certificate Early Works Construction Certificate~~.
- (b) The conservation work schedule must detail how the recommendations of the CMP will be implemented and include detailed drawings and outline specifications of works required to support any schedule of conservation works.

The work schedule must be implemented to the satisfaction of Council's Urban Design and Heritage Manager prior to the issue of the Occupation Certificate.

**(42) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of any ~~Stage 1A Construction Certificate Early Works Construction Certificate~~, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following:
  - (i) façade stonework;
  - (ii) ground floor façade and shop fronts;
  - (iii) door and window joinery (including original, main entrances);
  - (iv) lift car and lift door joinery;
  - (v) glazing including entrance features about Market and Castlereagh entrances and their related voids in the first floor slab edge;
  - (vi) hardware;
  - (vii) pavements;
  - (viii) pavement lights;
  - (ix) tiling
  - (x) aluminium-clad awning.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

**INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by and be implemented to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

#### **(46) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT**

- (a) A protection strategy for the duration of the construction works, is to be submitted and approved of the Urban Design and Heritage Manager prior to **any Stage 1A Construction Certificate Early Works Construction Certificate**. The Strategy is to detail how the proposed works will ensure that the building at 65-77 Market Street (David Jones' Market Street Store) and the connecting tunnel to the DJ's Elizabeth Street store (at Basement level 2) to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

Optional inclusions that depend on the nature and extent of the works:

- (b) Additionally, the protection strategy is to include:
  - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
  - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.

#### **(48) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT**

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of **any Stage 1A Construction Certificate Early Works Construction Certificate** or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
  - (i) Undertake site inspections of not less than fortnightly intervals.
  - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
  - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.

- (d) Upon completion of the works, the final report is to be submitted for approval by Council's own Heritage Specialist prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

### **(83) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent
- (b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to ~~any Stage 1A Construction Certificate Early Works Construction Certificate~~ being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

### **UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

### **(89) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Pedestrian and Traffic Management Plan (CPTMP) must be submitted to and approved by Council prior to ~~any Stage 1A Construction Certificate Early Works Construction Certificate~~ being issued.
- (b) Construction Traffic Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website:

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

- (c) The CPTMP is to be in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Sydney.

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposed development for a mix of land uses comprising residential accommodation, retail and commercial is permissible in the B8 - Metropolitan Centre zone and is consistent with the objectives of the zone given that it provides for a diversity of land uses that serve the needs of the workforce, visitors and wider community, and promotes active street frontages on the main streets of the City centre.
- (B) The development subject to conditions, is considered to exhibit design excellence through its positive contribution to the streetscape and public domain. The development is generally consistent with the winning scheme of a competitive design process and achieves a high standard of architectural design, materials and detailing. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.

- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including State Environmental Planning Policy No. 65, the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (D) The proposed development is consistent with the concept approval and modified building envelope under D/2017/167/A.
- (E) For the reasons above, the development is in the public interest.
- (F) Amendments to conditions to enable work on site to commence in May 2020 were requested by the applicant. These amendments were considered appropriate under the circumstances and were detailed in the Information Relevant To Item – Development Application: 65-77 Market Street, Sydney – D/2019/263 memorandum from the Director City Planning, Development and Transport.

Carried unanimously.

D/2019/263

### **Speaker**

Mr Tim Blythe (Urbis) - on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 5.

The meeting of the Central Sydney Planning Committee concluded at 5.14pm.

CHAIR