

# Central Sydney Planning Committee

Meeting No 488

Thursday 19 October 2023

Notice Date 13 October 2023

*minutes*

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**Present**

The Right Hon The Lord Mayor - Councillor Clover Moore AO (Chair), Councillor Adam Worling, Councillor HY William Chan, Ms Abbie Galvin, Ms Anthea Sargeant, Mr Dick Persson AM and Mr Richard Horne.

At the commencement of business at 5.02pm, those present were:

The Lord Mayor, Councillor Worling, Councillor Chan, Ms Galvin, Ms Sargeant, Mr Persson and Mr Horne.

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

**Acknowledgement of Country**

The Chair (the Lord Mayor) opened the meeting with an acknowledgement of country.

**Webcasting Statement**

The Chair (the Lord Mayor) advised that in accordance with the City of Sydney Code of Meeting Practice, Central Sydney Planning Committee meetings are audio-visually recorded and webcast live on the City of Sydney website.

**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

**Item 2 Confirmation of Minutes**

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

That the minutes of the meeting of the Central Sydney Planning Committee of 14 September 2023, 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 14 September 2023.

**Item 4 Section 4.55 Application: 169-183 Liverpool Street, Sydney - D/2019/992/A**

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

It is resolved that consent be granted to Section 4.55 Application Number D/2019/992/A subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows):

**(2) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2019/992 dated 6 September 2019 27 September 2023 and the following drawings prepared by Crone Partners Pty Ltd Bates Smart:

Drawing Name	Drawing Number	Date
<b><i>Proposed Building</i></b> Envelope Plan	<del>DA-A-10500</del> <b><i>Revision-B S1DA-01.00 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Lower Ground	<del>10508-Revision-C</del> <b><i>S1DA-01.01 Revision E</i></b>	<del>13.08.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Ground	<del>DA-A-10510</del> <b><i>Revision-B S1DA-01.02 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 1 -6	<del>DA-A-10511</del> <b><i>Revision-B S1DA-01.03 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Building Envelope Plan</i></b> <b><i>Level 2-6</i></b>	<b><i>S1DA-01.04 Revision E</i></b>	<b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 7-28	<del>DA-A-10512</del> <b><i>Revision-B S1DA-01.05 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 29	<del>DA-A-10513</del> <b><i>Revision-B S1DA-01.06 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>
<b><i>Proposed Building</i></b> Envelope Plan Level 30	<del>DA-A-10514</del> <b><i>Revision-B S1DA-01.07 Revision E</i></b>	<del>18.06.20</del> <b><i>27/09/23</i></b>

Drawing Name	Drawing Number	Date
<b>Proposed Building</b> Envelope Plan Level 31	<del>DA-A-10515</del> <del>Revision B S1DA-</del> <del>01.08</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Plan Level 32	<del>DA-A-10516</del> <del>Revision B S1DA-</del> <del>01.09</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Plan Level 33	<del>DA-A-10517</del> <del>Revision B S1DA-</del> <del>01.10</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Plan Level 34	<del>DA-A-10518</del> <del>Revision B S1DA-</del> <del>01.11</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Plan Level 35	<del>DA-A-10519</del> S1DA- <del>01.12</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Plan Level 36	<del>DA-A-10520</del> S1DA- <del>01.13</del> Revision F	<del>18.06.20</del> 04/10/23
<del><b>Proposed Envelope Plan -</b></del> <del><b>Roof</b></del>	<del>DA-A-10521</del>	<del>18.06.20</del>
Proposed Envelope Axonometric Views	DA- A- 10530 S1DA- 03.01 Revision E	<del>18.06.20</del> 04/10/23
<b>Proposed Building</b> Envelope Elevation - North	<del>DA-A-10601</del> S1DA- <del>02.01</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Elevation - South	<del>DA-A-10602</del> S1DA- <del>02.02</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Elevation - East	<del>DA-A-10603</del> S1DA- <del>02.03</del> Revision E	<del>18.06.20</del> 27/09/23
<b>Proposed Building</b> Envelope Elevation - West	<del>DA-A-10604</del> S1DA- <del>02.04</del> Revision E	<del>18.06.20</del> 27/09/23

and as amended by the conditions of this consent.

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

**Amended by D/2019/992/A on 19 October 2023**

**(12) THROUGH SITE LINK DESIGN**

The through site link design in any future competitive design process and subsequent detailed design development application must be in accordance with the minimum requirements set out in the relevant objectives and provisions of Section 3.1.2.2 of the Sydney Development Control Plan 2012, including the following:

- (a) Being direct and accessible to all 24 hours a day;
- (b) Having a clear line of sight between public places;
- (c) Being open to the sky (***excluding the area contained within the 'Urban Room'***);
- (d) Being easily identifiable and including wayfinding measures;
- (e) Including materials and finishes consistent with adjoining streets and public spaces;
- (f) Being clear of obstructions and structures;
- (g) Including landscaping; and
- (h) Providing active frontages.

***Amended by D/2019/992/A on 19 October 2023***

**(17) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (a) Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the Ecologically Sustainable Development (ESD) targets outlined in The '175 Liverpool Street Concept Development Application ESD Design Report', reference REP-ESD-001, revision 2, prepared by Arup and dated 18 June 2020 (Council reference TRIM 2020/267925).
- (b) These targets must include, at a minimum:
  - (i) For the residential apartment component of the development:
    - a. A BASIX energy score of at least 35 points or better;
    - b. A BASIX water score of at least 50 points or better;
  - (ii) For the commercial component of the development:
    - a. A NABERS Energy rating of 5.5 stars or better; and
  - (iii) ~~***Implementation of Building Integrated Photovoltaics to the northern facades of the development.***~~
- (c) The ESD targets must be included in the competitive design process brief and carried through the competitive design process phase, design development, construction, and through to completion of the project.

***Amended by D/2019/992/A on 19 October 2023***

**(18) PUBLIC ART**

- (a) The 'Preliminary Public Art Plan', reference 15914/2190217, version D, dated 19 June 2020 and prepared by Ethos Urban (Council reference TRIM 2020/267917) must be incorporated into the competitive design process brief.
- (b) ~~The artist brief and shortlist must be presented to the City of Sydney's Public Art Unit prior to any competitive process for the public artwork being undertaken.~~
- (c) ~~Selected artists concepts must be presented to the City of Sydney's Public Art Unit prior to the development and submission of any detailed public art plans with a subsequent detailed design development application.~~
- (d) A detailed Public Art Strategy, based upon the preliminary strategy referred to in (a) above, must be prepared and submitted with any subsequent detailed design development application.
- (e) 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 by D/2019/992/A on 19 October 2023*

**(25) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

~~Any subsequent detailed design development application must be accompanied by a~~ A site-specific Demolition, Excavation and Construction Noise and Vibration Management Plan **must be prepared prior to the issue of any Construction Certificate for any subsequent detailed design development application.**

The Demolition, Excavation and Construction Noise and Vibration Management Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Demolition, Excavation and Construction Noise and Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.), in connection with the proposed development.

- (c) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours / Noise Code of Practice 1992* for the typical construction hours of 7.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (d) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (e) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (f) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code **where possible**.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (i) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

***Amended by D/2019/992/A on 19 October 2023***

### **(31) STREET TREES**

- (a) All street trees adjoining the site must be included for retention with any subsequent detailed design development application ***excluding street trees approved for removal under Development Consent D/2022/614***.
- (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 street tree 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 by D/2019/992/A on 19 October 2023***



**Reasons for Decision**

The application is 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)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposed modification ensures that the detailed design development application is consistent with the concept approval, in order to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modification is consistent with and is considered acceptable having regard to the reasons given for the original approval in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney LEP 2012 and Sydney DCP 2012 for the reasons set out in the report.
- (E) 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 LEP 2012.
- (F) The changes to the approved building envelope are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.

Carried unanimously.

D/2019/992/A

**Speakers**

Christian Gillies.

Guy Lake (Bates Smart) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

**Item 5 Development Application: 169-183 Liverpool Street, Sydney - D/2022/614**

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

It is resolved that pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2022/614 subject to the conditions set out in Attachment A to the subject report.

**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 satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the Central Sydney locality and is a respectful backdrop to the Anzac War Memorial and Hyde Park.
- (F) The proposed development is consistent with the amended concept approval for the site, being D/2019/992/A, in accordance with Section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (G) Subject to the recommended conditions 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/2022/614

**Speakers**

Christian Gillies.

Guy Lake (Bates Smart) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 5.

**Item 6 Post Exhibition - Planning Proposal - 90 and 100-104 Brougham Street, Potts Point - Sydney Local Environmental Plan 2012 Amendment**

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

It is resolved that:

- (A) the Central Sydney Planning Committee note matters raised in response to the public exhibition of the Planning Proposal, detailed in the Summary of Submissions at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point at Attachment B to the subject report, to be made as a local environmental plan under s.3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point to correct any minor errors prior to finalisation.

Carried unanimously.

X096329.002

**Item 7 Proposed Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024**

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

It is resolved that the Central Sydney Planning Committee adopt the draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2024, as shown at Attachment A to the subject report.

Carried unanimously.

X094355

The meeting of the Central Sydney Planning Committee concluded at 5.20pm.

CHAIR