

Central Sydney Planning Committee

Meeting No 495

Thursday 25 July 2024

Notice Date 19 July 2024

minutes

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Present

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

At the commencement of business at 5.14pm, those present were:

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

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Mr Horne was attending the meeting of the Central Sydney Planning Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

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 20 June 2024, 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 20 June 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 ~~strikethrough~~), 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
DA-08-1000 Rev A <i>DA-0050 Rev 5</i>	Envelope Plans	22.09.20 <i>18.04.24</i>
DA-08-2000 Rev A <i>DA-0051 Rev 5</i>	<i>Envelope</i> North Elevation	22.09.20 <i>18.04.24</i>
DA-08-2100 Rev A <i>DA-0052 Rev 5</i>	<i>Envelope</i> East Elevation	22.09.20 <i>18.04.24</i>
DA-08-3000 Rev A <i>DA-0053 Rev 5</i>	Envelope Section	22.09.20 <i>18.04.24</i>
<i>DA-0270 Rev 1</i>	<i>Demolition Plan – Basement 1</i>	<i>19.04.24</i>
<i>DA-0271 Rev 1</i>	<i>Demolition Plan – Ground Level</i>	<i>19.04.24</i>
<i>DA-0272 Rev 1</i>	<i>Demolition Plan – Level 01</i>	<i>19.04.24</i>
<i>DA-0273 Rev 1</i>	<i>Demolition Plan – Level 02</i>	<i>19.04.24</i>
<i>DA-0274 Rev 1</i>	<i>Demolition Plan – Level 03</i>	<i>19.04.24</i>
<i>DA-0275 Rev 1</i>	<i>Demolition Heritage Elevation</i>	<i>19.04.24</i>

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** ~~34.700~~ (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 NBRS Architecture Heritage and dated ***September 2023*** ~~29 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

Speakers

Bosko Seric – (MOJ Projects) and Justin Micallef (Oakstand).

Sarah Horsfield (Urbis) – on behalf of the applicant, and Felicity Rourke (Allens) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 4.

Item 5 Development Application: 499-501 Kent Street, Sydney - D/2023/868

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

It is resolved that consent be granted to Development Application Number D/2023/868 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development 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 proposed development is consistent with the amended concept approval for the site, being D/2020/1224/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act 1979.
- (C) 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.
- (D) The proposed development generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (E) The proposal complies with the maximum floor space ratio development standard in Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012, and appropriate condition is recommended to require the allocation of heritage floor space in accordance with Clause 6.11 of the Sydney Local Environmental Plan 2012.
- (F) The proposed development complies with the maximum height of building development standard and the Sun Access Protection requirements for the Future Town Hall Square in accordance with Clauses 4.3 and 6.18 of the Sydney Local Environmental Plan 2012.
- (G) The proposed development will conserve the heritage significance of the former "Universal File Manufacturing Co" warehouse in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (H) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (I) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily respond to the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (J) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.

- (K) The proposed mix of compatible land uses will support the vitality of the area and, subject to the recommended conditions, not result in any significant adverse environmental or amenity impacts on neighbouring properties, the public domain, and the broader Sydney Central Business District.
- (L) 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 associated potential environmental impacts.

Carried unanimously.

D/2023/868

Speakers

Bosko Seric – (MOJ Projects) and Justin Micallef (Oakstand).

Sarah Horsfield (Urbis) – on behalf of the applicant, and Felicity Rourke (Allens) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 5.

Item 6 Public Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 47-51 Riley Street, Woolloomooloo;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council approve the Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X087762

Item 7 Public Exhibition - Planning Proposal - 1-25 O'Connell Street and 8-16 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – 1-25 O'Connell Street and 8-16 Spring Street, Sydney, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – 1-25 O'Connell Street and 8-16 Spring Street, Sydney as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – 1-25 O'Connell Street and 8-16 Spring Street, Sydney;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council approve the Draft Sydney Development Control Plan 2012 – 1-25 O'Connell Street and 8-16 Spring Street, Sydney Amendment, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal – 1-25 O'Connell Street and 8-16 Spring Street, Sydney, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to Draft Sydney Development Control Plan 2012 – 1-25 O'Connell Street and 8-16 Spring Street, Sydney Amendment to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) authority be delegated to the Chief Executive Officer to prepare and exhibit a draft planning agreement in accordance with the letter of offer dated 15 July 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, and to be exhibited in accordance with the Act.

Carried unanimously.

X089436

Speakers

Councillor Sylvie Ellsmore, Micah Schulz (Lendlease) and Andrew Duggan (Ethos Urban) addressed the Central Sydney Planning Committee on Item 7.

Item 8 Public Exhibition - Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – 56-60 Pitt Street and 3 Spring Street, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 22 July 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney;
- (D) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 22 July 2024, that Council approve the Draft Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street, Sydney, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 4 July 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X103370

Speakers

Councillor Sylvie Ellsmore, Alex Cooper (Dexus) and Richard Francis Jones (FJC Studio) addressed the Central Sydney Planning Committee on Item 8.

Item 9 Summary of Applications to be Reported to the Central Sydney Planning Committee

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

It is resolved that the subject report be received and noted.

Carried unanimously.

S042755-02

The meeting of the Central Sydney Planning Committee concluded at 6.23pm.

CHAIR