

**Item 3.****Development Application: 262 Liverpool Street, Darlinghurst - D/2025/707**

File Number: D/2025/707

**Summary****Date of Submission:** 31/07/2025**Applicant:** Paul Ramsay Foundation Limited**Owner:** Paul Ramsay Foundation Limited**Planning Consultant:** Ethos Urban**Cost of Works:** \$0**Zoning:** R1 General Residential. Food and drink premises and information and education facilities are permitted in the R1 General Residential zone.**Proposal Summary:** The application proposes the use of the Entry Hall (also referred to as the Blue Gum Hall, exhibition hall or breakout space) to hold information and educational events until 10pm up to 12 times per calendar month with a maximum of 79 patrons. It should be noted that the use of the Entry Hall as an information and education facility is already approved, albeit with a maximum of 2 events after 6pm permitted per month.

The application also proposes external seating for 24 café patrons within the portico on Liverpool Street in association with the approved café. The seating is to be provided during the café opening hours (7am to 7pm). In addition, the application seeks consent for deliveries to the café from 6am and playing background amplified music in the outdoor spaces, including the rooftop terrace, level 2 terrace and the portico from 7am to 8pm in summer and 7am to 6pm in winter.

No building work is proposed.

A total of 47 submissions were received during the notification period. The issues raised in submissions include noise, amenity and privacy, change of use, traffic and waste management.

The application has received more than 25 submissions and therefore is referred to the Local Planning Panel for determination.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Acoustic Report
- D. Submissions

## **Recommendation**

It is resolved that consent be granted to Development Application Number D/2025/707 subject to the conditions set out in Attachment A to the subject report.

## **Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposal is capable of being carried out on the site without resulting in significant adverse impacts on the surrounding properties.
- (B) The development, subject to conditions, meets the objectives of the relevant planning controls.

## Background

### The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 6 March 2024 as being within the following category:
  - (a) Contentious Development
2. The development application falls within the category of Contentious Development as it has received more than 25 unique submissions by way of objection.

### The Site and Surrounding Development

3. The site has a legal description of Lot 1 in Deposited Plan 174206, and is commonly known as 262 Liverpool Street, Darlinghurst. It is square in shape with an area of approximately 1,548 square metres. It has a primary street frontage to Liverpool Street and a secondary street frontage to Forbes Street. The site is located at the intersection of Liverpool Street and Forbes Street.
4. The site contains a large part one and part two storey interwar-era Beaux-Arts style building of sandstone masonry construction, which was completed circa 1929. The building includes an internal mezzanine, rooftop terrace, and a lower ground floor addressing the Forbes Street frontage.
5. The site was originally constructed as a church hall and has previously been used as a single dwelling. It is currently in use as an office, information and education facility and a café, and is occupied by the Paul Ramsay Foundation and the Two Good Co. Cafe.
6. The site has 2 notable internal areas on the Liverpool Street level: the Entry Hall and the auditorium. The Entry Hall (also referred to as the Blue Gum Hall or the exhibition/breakout space in the submitted documentation) is the first internal space encountered when entering the building from the main Liverpool Street entry and has an area of approximately 252 sqm. The second space is the auditorium which was the main congregation space during the site's use as a church.
7. The surrounding area is characterised by a mixture of land uses, predominantly comprising residential accommodation. A 5-storey brick residential flat building neighbours the site to the immediate north, with a 3-storey terrace to the immediate east. Two storey Victorian dwellings with sandstone facades occupy sites to the west across Forbes Street, with the exception of a 3-storey Victorian terrace having its primary frontage on Liverpool Street presenting a broad painted brick facade to Forbes Street. A row of 2-storey Victorian terraces and a multi storey art deco residential flat building occupy sites immediately to the south across Liverpool Street. A 7-storey residential flat building is also under construction to the south of the site on the other side of Liverpool Street.
8. The site is identified in the Sydney Local Environmental Plan 2012 as being a local heritage item known as the 'First Church of Christ Scientist including interior' (Item number I357) and as being located within the Oxford Street and Victoria Street heritage conservation area (Map reference C12). The site is identified in the Sydney Development Control Plan 2012 as being a contributing building to the surrounding heritage conservation area.
9. The site is not identified as being subject to flooding.

10. A site visit was carried out on 29 August 2025. Photos of the site and surrounds are provided below:



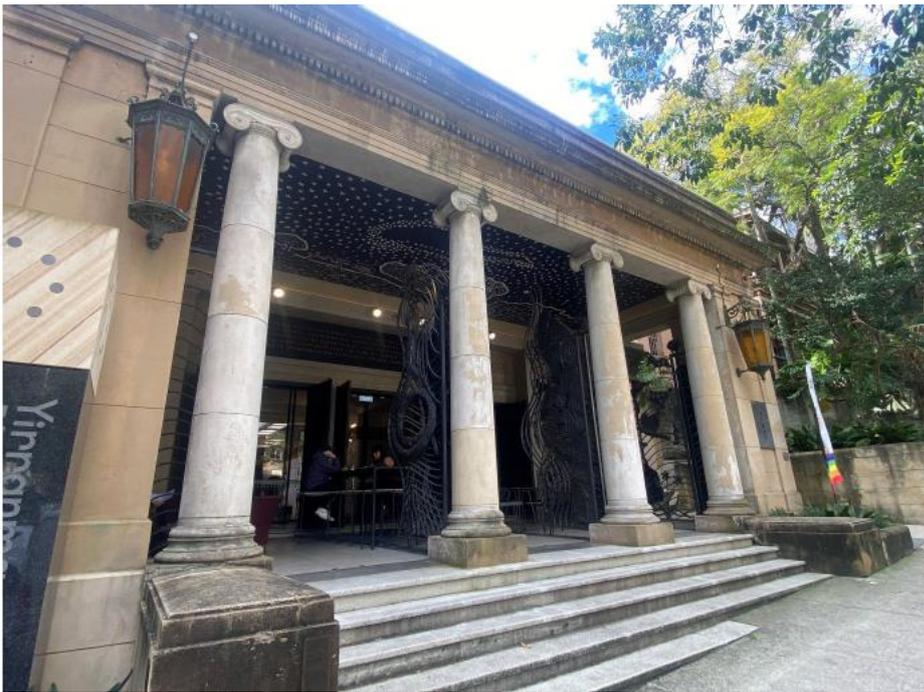
Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Liverpool Street



**Figure 3:** Site viewed from Liverpool Street



**Figure 4:** Liverpool Street entry and location of outdoor tables and chairs in portico



**Figure 5:** Entry Hall looking towards Liverpool street entrance



**Figure 6:** Level 2 terrace looking east



**Figure 7:** Level 2 terrace looking north



**Figure 8:** Rooftop terrace looking east



**Figure 9:** Roof top terrace looking north



**Figure 10:** Roof top terrace looking south

## History Relevant to the Development Application

### Development Applications

11. The following applications are relevant to the current proposal:

- **D/2011/378** - Development consent was granted on 11 May 2011 for the adaptive re-use of First Church of Christ Scientist building for residential use, comprising construction of a dwelling structure within the auditorium.
- **D/2013/515** - An application for adaptive reuse of the existing heritage item with alterations and additions to the upper levels with 6 additional apartments and a new café / commercial office was refused on the 14 January 2014.

An appeal was lodged with the Land and Environment Court and subsequently dismissed due to the impact of the development on neighbouring amenity and the significance of the heritage item.

- **D/2014/1164** - Development consent was granted on 26 May 2015 for alterations and additions comprising a 3-storey addition containing 4 residential apartments, use as a commercial office space, 2 artist studios and associated exhibition space, cafe with seating for up to 24 people, basement parking level for 11 vehicles, and associated landscaping.
- **D/2018/1526** – Development consent was granted on 15 May 2019 by the City of Sydney Local Planning Panel for the adaptive reuse of the former First Church of Christ Scientist as office premises, including alterations and additions such as a 2 storey addition to the eastern wing, new rooftop terrace/breakout space, new attic area, basement car parking containing 9 spaces and associated site works.

This consent has been modified 8 times since approval, (Modifications A-H). The modifications have included the relocation of the lift; internal reconfiguration; amending the timing for when documents are required to be submitted; amending the design of the fire system; reconfiguration of the end of trip facilities and bicycle parking; amending the arrangement of the rooftop plant; minor external changes; a reduction in canopy cover and correction of typographical errors.

**D/2020/1397** – Development consent was granted on 28 April 2021 by the City of Sydney Local Planning Panel for the internal fit-out as an office premises, new mechanical exhaust and use of part of the ground floor for a food and drink premises (café) and exhibition/breakout space in association with development consent D/2018/1526.

The development approval included conditions of consent limiting the use of the entry hall for events for third party users and the regularity of afterhours events where food and beverage are served. The consent also specified deliveries to be between the hours of 7am and 7pm and that no speakers or noise amplification be installed or music played in any outdoor areas.

- **D/2021/169** – Development consent was refused on 27 July 2021 for an extension of the approved lift to the roof terrace. An appeal of the refusal was dismissed by the Land and Environment Court of New South Wales on 27 March 2023.

- **D/2021/1003** – Development consent was granted on 11 November 2021 for a signage strategy for the lower ground floor and ground floor of the site, inclusive of building identification signage and wayfinding signage.
- **D/2021/1517** – Development consent was granted on 8 February 2022 for internal alterations to the ground floor level of the commercial office building to install an art wall.
- **D/2022/76** – Development consent was granted on 30 March 2022 for internal alterations to the lower ground and mezzanine levels of the commercial office building, including reconfiguration of fixed workstations, addition of meeting pods and phone booths, and addition of plasterboard and glazed partitions.
- **D/2024/850** - Development consent was granted on 14 November 2024 for alterations to the organ screen in the auditorium to allow an operable panel for organ maintenance.

### Compliance Action

12. The site was recently subject to a compliance action on 2 October 2025 which is relevant to the application as it was regarding deliveries occurring outside of the approved hours of 7am to 7pm. The business was reminded of their obligations regarding delivery times.
13. This is relevant to the application as the proposal includes changing the delivery times to the café from 7am to 6am.

### Amendments

14. Following a preliminary assessment of the proposed development by Council Officers, a request for amendments to the acoustic report was sent to the applicant on 5 September 2025. An updated acoustic report was submitted on 2 October 2025.
15. On 26 September 2025, a request for further information was sent to the applicant. The following information was requested:
  - justification that the use is permitted in the R1 zone and falls under the 'information and education facility' category
  - further information on the users / frequency of use of the roof terraces
  - further information on the deliveries to the site including where the drop off area is and how often deliveries are made
16. The applicant submitted the requested additional information on 13 October 2025 which included a response to many of the issues raised in the public submissions. The applicant also requested to amend the delivery start time from 5am to 6am.
17. Following a review of the amended acoustic report, a further request for amendments was sent to the applicant on 13 and 14 October 2025. Additional acoustic information was received on 14 October 2025.

18. A request to amend the Plan of Management to remove the reference to 'event attendees' accessing the rooftop was sent to the applicant on 28 October 2025. The applicant confirmed that this was an error and submitted an updated Plan of Management the same day.
19. The applicant was asked to confirm the hours that they would want music to be played for the portico and outdoor terraces on 3 November 2025. The applicant confirmed the hours as 7am to 8pm in summer and 7am to 6pm in winter.

### **Proposed Development**

20. The application seeks consent for the following:
  - Use of the Entry Hall (also referred to as the Blue Gum Hall, exhibition hall or breakout space) as a space to hold information and educational events up to 12 times per calendar month with a maximum of 79 patrons. The proposed hours of operation are 7am to 10pm Monday to Friday and 7am to 5pm on Saturday and Sunday. It is proposed to continue using the space to host information and educational events organised by third-party, "for-purpose" organisations (refer below) and community groups associated with the charitable foundation use of the site. The use is not for private or corporate client events or parties.
  - External seating within the portico on Liverpool Street for 24 café patrons during the café opening hours (7am to 7pm).
  - Deliveries to the café from 6am (deliveries currently permitted to start from 7am). Deliveries are carried out on Liverpool Street.
  - Playing of amplified background music in the portico (outdoor seating area), level 2 and rooftop terraces. The music would only be played on the terraces when in use between the hours of 7am to 8pm in summer and 7am to 6pm in winter.
21. The applicant's Statement of Environmental Effects states that "for-purpose" is "an umbrella term used in Australia to describe organisations - such as charities, not-for-profits, and social enterprises - whose primary aim is to create positive social, cultural, environmental, or community outcomes, rather than generate profit for private benefit. The term emphasises mission and impact, positioning purpose as the organisation's central driving force."
22. The following plans show the Entry Hall, café seating area and the terraces where background music is proposed.

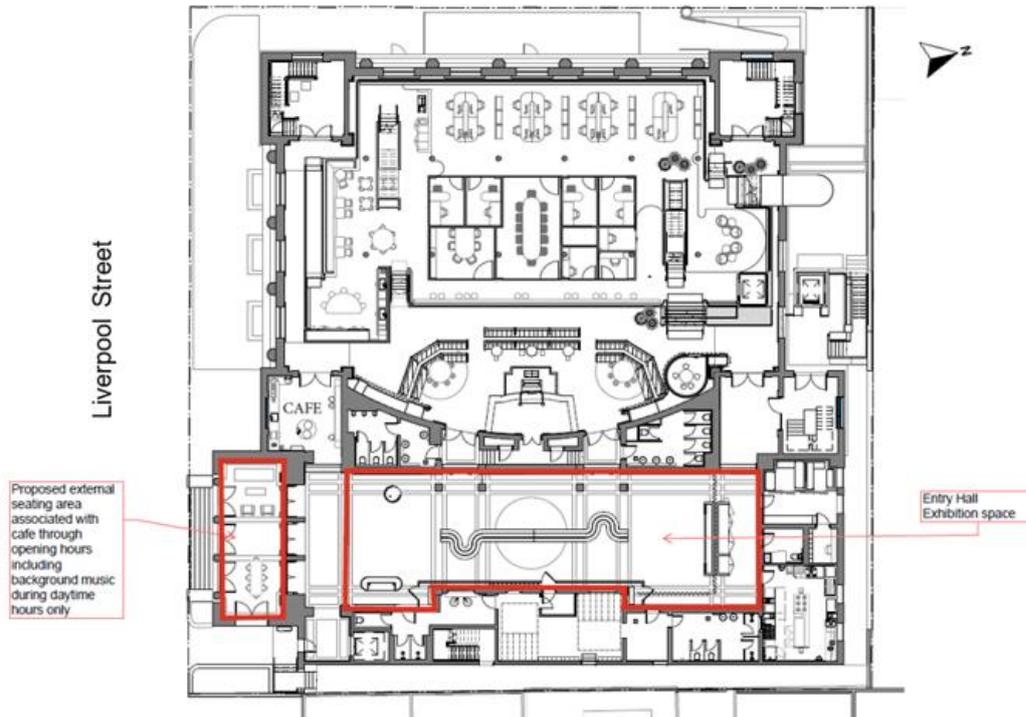


Figure 11: Ground floor plan with Entry Hall and Portico seating highlighted

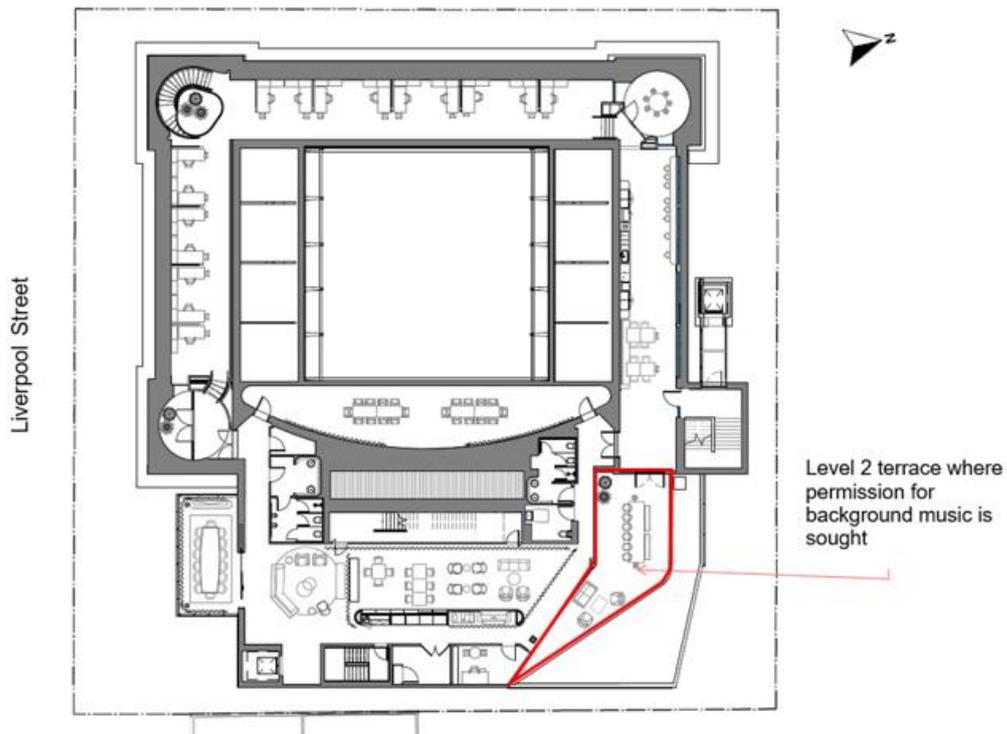


Figure 12: Level 2 plan with smaller terrace highlighted in the north-east corner

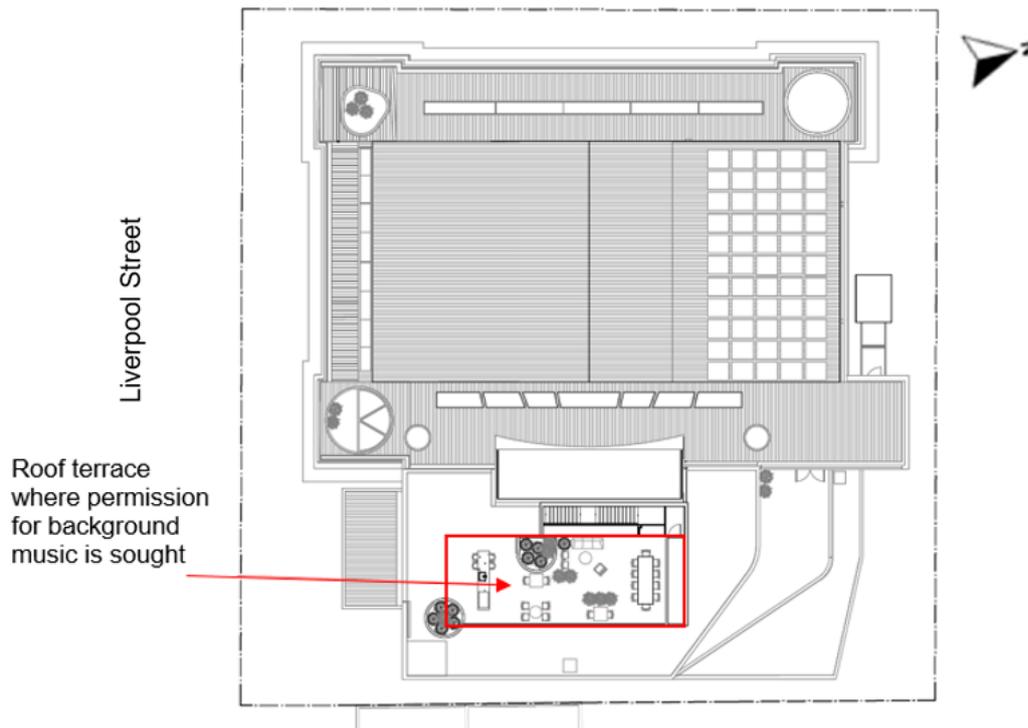


Figure 13: Roof plan with roof terrace highlighted

**Assessment**

23. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

**Local Environmental Plans**

**Sydney Local Environmental Plan 2012**

24. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

**Part 2 Permitted or prohibited development**

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the R1 General Residential zone.</p> <p>The proposed use of the Entry Hall is defined as an information and education facility, and the outdoor seating associated with the café as a food and drink premises, both of which are</p>

Provision	Compliance	Comment
		permitted in the zone. See further details in the Discussion section.

### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item listed under Schedule 5 of the Sydney LEP 2012 as Item No. I357 (“First Church of Christ Scientist, including interior”).</p> <p>The site is located within the Oxford Street and Victoria Street Heritage Conservation Area (C12). No building work is proposed and so the proposal would have no impact on the heritage significance.</p>

### Part 7 Local provisions - general

Provision	Compliance	Comment
Division 1 Car Parking ancillary to other development		
7.6 Office premises and business premises	Yes	<p>A maximum of 41 car parking spaces are permitted.</p> <p>The proposal does not seek to alter the number of car parking spaces provided on the site. Nine car parking spaces were previously approved on the site under the 2018 consent and were not changed in the 2021 consent.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

25. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

### Section 2 – Locality Statements

26. The site is located within the Darlinghurst West locality. The proposed development is in keeping with the unique character of the Darlinghurst West locality.

**Section 3 – General Provisions**

Provision	Compliance	Comment
3.14 Waste	Yes	<p>The application was referred to the Waste Management team who raised no objections to the proposal.</p> <p>A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Yes	<p>The premises is not located within a late night trading area and the use is defined as a category C premises.</p> <p>The proposed hours of operation for the Entry Hall are 7am to 10pm which are the same as the previous approval. No change to the patron capacity is proposed which is 79.</p> <p>As the events will finish by 10pm, the proposal is not subject to the late-night trading provisions of the DCP, which only apply to activities operating after 10pm.</p>

**Section 4 – Development Types****4.2 Residential Flat, Commercial and Mixed Use Developments**

Provision	Compliance	Comment
4.2.3 Amenity		
4.2.3.11 Acoustic privacy	Yes	<p>An acoustic report prepared by ADP Consulting was submitted with the application and subsequently amended during the assessment process. ADP Consulting also provided a written response to submissions raising concerns about noise impacts.</p> <p>The acoustic report includes a range of recommendations to ensure that noise emissions from the site comply with the relevant noise criteria. These recommendations include:</p>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• a maximum of 60 people occupying the rooftop terrace during operating hours</li> <li>• a maximum of 24 patrons within the café's external seating area</li> <li>• outdoor speakers limited to a sound pressure level of LAeq 60 dB at one metre from the centre speaker</li> <li>• delivery vehicles not idling while stationary</li> </ul> <p>The Plan of Management (PoM) stipulates that the rooftop terrace may be occupied by a maximum of 50 people during daytime hours and 30 people during nighttime hours. The operator will be required to comply with all provisions of the PoM.</p> <p>Council's Environmental Health Unit has reviewed the amended acoustic report and advised that the information provided regarding the outdoor speakers demonstrates compliance with the DCP. Conditions of consent are recommended to ensure compliance with the relevant noise criteria.</p> <p>Further discussion regarding deliveries is provided below.</p>

## Discussion

### Use of the Entry Hall

27. It is proposed to use the Entry Hall to host information and educational events organised by third-party, for-purpose organisations and community groups. The use is not for private or corporate client events or parties. Up to 12 after-hours events per calendar month are proposed, with a maximum of 79 patrons at any one time. Food and beverages will be served at the after-hours events.
28. Condition 4 of the existing consent D/2020/1397 (as amended) currently permits 2 after-hours events per calendar month and restricts the use of the Entry Hall to activities associated with the charitable foundation operating on the site. It specifically prohibits the operation of the space as a function space for third party users that are not tenants of the site.

29. The Entry Hall is approved as an “information and education facility” under the Sydney LEP 2012 which is defined as:
- “a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.”*
30. Several submissions raised concerns that allowing up to 12 after-hours events per month could amount to the use of the Entry Hall as a function centre, which is a prohibited use in the R1 General Residential zone. Under the Sydney LEP, a “function centre” is defined as:
- “a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.”*
31. The proposal does not meet the definition of a function centre. The Entry Hall is not used for the primary purpose of holding events. The proposed events are ancillary and related to the approved information and education facility. The information and education use remains ancillary to the primary use of the site which is as an office premises for a charitable foundation.
32. The proposed use maintains consistency with the approved purpose by continuing to host events that are educational and informative. The Plan of Management outlines a robust process for assessing event suitability to ensure all activities align with the approved use and the social purpose of the site.
33. A review of Council’s compliance records confirms that no complaints have been received regarding previous operations of the Entry Hall. In response to community feedback during consultation, the operator has further committed that any events held on weekends will be limited to 7am–5pm to enhance compatibility with the surrounding residential dwellings. A condition of consent is recommended confirming the hours of operation for the Entry Hall will be until 5pm on Saturday and Sunday.
34. All events will be contained entirely within the Entry Hall with a maximum of 79 patrons and 10 staff, with no access permitted to the rooftop or level 2 terraces. Potential noise impacts will therefore be minimal, limited mainly to the arrival and departure of patrons. The Plan of Management details procedures to mitigate noise and ensure responsible event management.
35. The proposed increase in the number of events is not expected to result in any significant amenity impacts. The operator has confirmed that the events will be low-impact and aligned with the charitable purpose of the site.
36. A condition of consent is recommended to clarify the permissible nature of the Entry Hall’s use as an information and education facility.

### **Deliveries**

37. It is proposed to change the delivery time to the café from 7am to 6am with deliveries continuing to occur on Liverpool Street at the main entrance. The rationale for this change is to allow essential bread deliveries to be completed prior to the café opening at 7am.

38. An Acoustic Report prepared by ADP Consulting has assessed the potential noise impacts of early morning deliveries. The report concludes that noise emissions would comply with relevant criteria, provided delivery vehicles do not idle while stationary.
39. Given the site's location within the R1 General Residential zone, surrounded by sensitive residential uses, and the practical challenges in ensuring compliance with non-idling requirements by delivery drivers, it is recommended that deliveries be permitted from 6:30am onwards. This is a balanced approach that supports café operations while minimising potential impacts on residential amenity.
40. A condition of consent is recommended which specifies the delivery hours to be between 6:30am and 7pm.

### **External seating**

41. The proposal includes the provision of tables and chairs for up to 24 patrons within the portico area of the building, to be used by the existing café. The café operates between 7am and 7pm, Monday to Sunday, and no changes to its approved hours of operation are proposed.
42. The seating will be located off the public footpath, fully under cover and within the footprint of the building, ensuring it does not obstruct pedestrian movement or public access. The arrangement is considered appropriate and will enhance the functionality of the café without having an adverse impact on the amenity of surrounding occupiers.
43. It is therefore recommended that a condition of consent be included to permit external seating within the portico area, replacing the previous condition under DA D/2020/1397 (as amended) which stated that no approval was granted for external seating associated with the café use.

### **Music**

44. It is proposed to allow low-level, background music in the portico, level 2 terrace and rooftop terrace. The proposed hours are from 7am to 8pm in the summer months and 7am to 6pm in the winter months. For the portico, the background music would align with the cafe hours of operation (7am to 7pm). The music would either be a pre-recorded playlist or live instrumental which would be played through permanent, discreet, low-powered speakers.
45. An Acoustic Report prepared by ADP Consulting has assessed the potential noise impact of the proposed background music. Council's Environmental Health Unit reviewed the Acoustic Report and asked for further information on the speaker noise levels. This information was provided, and Council's Environmental Health Unit have confirmed that the proposal is able to comply with the relevant noise criteria.
46. The acoustic report states that outdoor PA speakers can be used in outdoor areas, provided a maximum of 2 speakers are used in each space and the noise level does not exceed a sound pressure of LAeq 60 dB at one metre from the centre speaker. The assessment was based on no more than 60 people occupying the rooftop which is more than specified in the Plan of Management.
47. A Plan of Management has been submitted which provides information on how the music will be managed and states that speeches amplified on a microphone, DJ, live bands and other such performances will not occur in the outdoor areas.

48. The playing of background music that complies with the relevant noise criteria is considered acceptable on the roof terraces and portico. However, it is recommended that the music is only played between 8am and 8pm during Australia Eastern Daylight Time (AEDT) and 8am to 6pm during Australian Eastern Standard Time (AEST).

#### **Relationship with D/2020/1397**

49. Development application D/2020/1397 was granted consent on 28 April 2021 by the Local Planning Panel for the internal fit out as an office premises, new mechanical exhaust and use of part of the ground floor for a food and drink premises (café) and an exhibition/breakout space. Conditions of this consent that are relevant to the DA the subject of this report are as follows:

#### **(4) USE OF ENTRY HALL**

- (a) The Entry Hall (also known as the Great Hall) shall only be used as an information and education facility as defined by the Sydney Local Environmental Plan 2012 in association with the charitable foundation use of the site.
- (b) The entry hall must not be operated as a function space for third party users that are not tenants of the site.
- (c) Any uses associated with (a) above after 6.00pm where food and drinks are available, shall be limited to a maximum of two (2) per calendar month.

#### **(6) USE OF ROOF TERRACES**

The separately approved roof terraces must not be utilised by patrons of either the cafe or exhibitions in the entry hall.

#### **(8) HOURS OF OPERATION**

- (a) The hours of operation of the office premises are restricted to between 7:00am and 10:00pm, Mondays to Sundays inclusive.
- (b) The hours of operation of the exhibition space are restricted to between 7:00am and 10:00pm, Mondays to Sundays inclusive.
- (c) The hours of operation of the ground floor cafe are restricted to between 7:00am and 7:00pm, Mondays to Sundays inclusive.

#### **(9) EXTERNAL SEATING**

No approval is granted for external seating associated with the café use.

#### **(12) DELIVERY VEHICLES**

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7.00am and 7.00pm.

## (13) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

## (16) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by Management prepared by Tomasy Planning Pty Ltd, and dated 16 December 2020 (Council ref: TRIM ref: 2020/580956) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management

## (18) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the acoustic report prepared by ADP Consulting, dated 1 October 2020, must be implemented during construction and use of the premises.

50. The current DA seeks to allow additional information and educational events within the Entry Hall, allow external seating within the Liverpool Street portico associated with the cafe, allow deliveries to the cafe from 6am, and allow playing of amplified background music in the outdoor areas. The current DA thus has the effect of seeking to amend the previous DA as it relates to these elements.
51. To provide certainty and avoid confusion between the 2 applications, it is recommended that D/2020/1397 be modified so that it does not contradict any of the new operational conditions which are recommended for the current DA. The current DA will have a full suite of operational conditions relating to the information and education events within the Entry Hall, the use of the café and acoustic conditions.
52. Accordingly, it is recommended:
- (a) a condition be imposed under s4.17(1)(b) and (5) of the Environmental Planning and Assessment Act requiring the modification of D/2020/1397 prior to the issue of an occupation certificate as follows:
- (i) modification of condition 1 (Approved Development) to add in drawing 04 'Marketing floor plan - level 02' and drawing 05 'marketing floor plan - rooftop'
  - (ii) deletion of Condition 4 relating to the use of the Entry Hall
  - (iii) deletion of Condition 8 (b) relating to the hours of operation of the exhibition space within the Entry Hall and 8 (c) relating to hours of operation for the cafe
  - (iv) deletion of Condition 9 (External Seating)
  - (v) modification of Condition 12 to allow delivery vehicles from 6.30am (instead of 7am)

- (vi) deletion of Condition 13 that does not allow speakers or music outside and replacement with:
  - Music outside
  - Speakers and/or noise amplification equipment is only to be installed and music to be played in the following areas and times:
    - Between 7:00am and 7:00pm in the portico associated with the café use
    - Between 8:00am and 8:00pm on the level 2 roof terrace and rooftop terrace during Australian Eastern Daylight Time (AEDT)
    - Between 8:00am and 6:00pm on the level 2 roof terrace and rooftop terrace during Australian Eastern Standard Time (AEST)
- (vii) modification of Condition 16 requiring compliance with the current Plan of Management (instead of the previous 2020 version)
- (viii) modification of Condition 18 requiring compliance with the current acoustic report (instead of the previous 2020 version)
- (ix) addition of 2 conditions relating to noise from entertainment activities and managing noise

## Consultation

### Internal Referrals

- 53. The application was discussed with Council's:
  - (a) Environmental Health Unit
  - (b) Waste Management Unit
- 54. Environmental Health requested amendments to the submitted acoustic report including updates to comply with the relevant noise criteria. The amended acoustic report was reviewed by Council's Environmental Health team who advised that it was acceptable. Conditions of consent have been recommended to ensure compliance.
- 55. The Waste Management Unit advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

### Advertising and Notification

- 56. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 21 days between 14 August 2025 and 5 September 2025. A total of 781 properties were notified and 47 submissions were received. A total of 45 objections were received and 2 letters of support.

57. The submissions raised the following issues:
- (a) Issue: Noise impacts from events, rooftop terrace, music, crowds, especially after 7pm. Noise from early morning deliveries.
    - Response: No changes are proposed to the operation of the rooftop terrace other than the introduction of low-level background music when in use or requested. No events are proposed on the rooftop terrace, and patrons from the Entry Hall or café will not be permitted to access outdoor terraces. As per the existing consent, the terraces will continue to be used only by office tenants, staff and invited guests. The Plan of Management confirms that background music will only play when areas are occupied. Deliveries will be permitted from 6:30am onwards, not 6am as requested.
  - (b) Issue: Acoustic report used baseline data from 2019 which is out of date and not representative and the monitors were on footpaths, not sensitive receivers.
    - Response: ADP Consulting advised that ambient noise levels have likely increased since 2019 due to higher traffic, construction and activity in the area, making the 2019 data conservative. Council's Environmental Health team confirmed the use of the 2019 data was acceptable.
  - (c) Issue: Proposal goes against many of the conditions in the D/2020/1397 consent which restrict the use of the Entry Hall, do not allow music or external seating and prohibit the use of the rooftop terrace by patrons.
    - Response: The relationship between D/2020/1397 and the current proposal, and the merits of the use of the Entry Hall, allowing music and external seating has been addressed in the 'Discussion' section above. The rooftop terrace condition will remain unchanged.
  - (d) Issue: Proposal changes the use of the Entry Hall to a function centre which is prohibited in the R1 zone. Further commercial activity with potential for 144 events a year, going against the PR Foundation values.
    - Response: The proposal does not constitute a function centre (see discussion above). Recommended Condition 8 restricts events to those associated with the site's charitable foundation. The Plan of Management states that parties will be excluded.
  - (e) Issue: Limited information on the types of activities and uses proposed within different areas of the site.
    - Response: The applicant was asked to provide further information on the proposed use of the Entry Hall, clarifying that the term 'event' is a broad term for audience-based educational or community activities. The applicant confirmed that the proposal is to continue to hold events that are for information and educational purposes and support for-purpose organisations ancillary to the primary use of the building (as a subsidised office premises for for-purpose/social impact organisations). The Plan of Management includes a process of selection to ensure the events align with the approved use of the site.

- (f) Issue: Proposal would allow events on the rooftop which would result in a loss of amenity and privacy especially for families with young children and elderly residents.
- Response: No events are proposed on the rooftop and patrons of the Entry Hall and cafe will not be allowed to utilise the rooftop. The operation of the rooftop will be no different to how it is currently operated except for the introduction of low-level background music.
- (g) Issue: Background music in the café may be overwhelming, already significant disruption from construction noise.
- Response: Conditions of consent are recommended to ensure that any background music complies with the relevant noise criteria. Construction noise from surrounding sites is not a material planning consideration.
- (h) Issue: Increase in parking pressure from people driving to events, street parking is already limited. Congestion from delivery drivers and ride-shares.
- Response: The submitted Plan of Management states that event patrons, staff, and tenants are strongly encouraged to use alternative transport modes rather than driving, due to high parking demand in the area and the limited availability of one-hour parking. The Plan of Management states that this information is sent out with all invitations to events to ensure that event attendees refrain from driving and parking on the surrounding streets.
- (i) Issue: Community consultation not adequate, lack of genuine engagement, residents felt excluded or misled during consultation and feedback was ignored or selectively sought.
- Response: The DA was notified in accordance with the City of Sydney Community Participation Plan 2025 for a period of 21 days. This notification included letters to 781 properties and erection of site notices. In addition, prior to lodgement of the DA, the applicant conducted their own community consultation. It is understood that consultation was undertaken across 3 separate events including a letter drop information session and 2 for invited guests. The applicant has advised that feedback from the sessions was taken onboard and incorporated into the application.
- (j) Issue: Light Pollution from extended hours and events on the rooftop and internal spaces which can affect nearby residents and local fauna.
- Response: There are no plans to have events on the rooftop and there is no change to the approved hours of operation of the Entry Hall.
- (k) Issue: Potential for more waste and odour issues with more events, especially with limited on-site garbage facilities.
- Response: The application was reviewed by Council's Waste Management Unit who raised no objections.

- (l) Issue: Outdoor seating blocking the footpath.
- Response: It is not proposed to have any outdoor seating on the footpath; it is contained within the portico on Liverpool Street which is within the footprint of the building.
- (m) Issue: Decrease in financial value of nearby residential premises due to the change of use.
- Response: This is not a material planning consideration.

## **Financial Contributions**

### **Contribution under Section 7.11 of the EP&A Act 1979**

58. The development is not subject to a Section 7.11 development contribution as it is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution.
59. Development contributions were paid prior to the works commencing on D/2018/1526. That consent included the use of the office premises in calculating the required contributions. A change of use from office premises to an information and education facility does not trigger any additional contributions.

### **Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012**

60. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

### **Housing and Productivity Contribution**

61. While the site is located with the Greater Sydney region, the development is not a type of commercial development to which the Housing and Productivity Contribution applies.

## **Relevant Legislation**

62. Environmental Planning and Assessment Act 1979.

## **Conclusion**

63. The proposed development has been assessed against the relevant planning controls for the site. The proposed changes, including the use of the Entry Hall for more information and educational events are consistent with the approved use of the site and, subject to conditions, will not result in any significant adverse impacts on the surrounding residential area.
64. Subject to the recommended conditions of consent, the proposal is acceptable and is recommended for approval.

## **ANDREW THOMAS**

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