

Relevant Information for Central Sydney Planning Committee

FILE: D/2022/495 **DATE:** 17 August 2023

TO: The Central Sydney Planning Committee

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 5 – Development Application: 133-141 Liverpool Street, Sydney – D/2022/495

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2022/495, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 17 August 2023, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/495 dated 30 May 2022 and the following architectural drawings prepared by Candalepas Associates and stratum subdivision drawings LTS:

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
DA-2-1001 (Issue E)	Basement 8	7 June 2023
DA-2-1002 (Issue E)	Basement 7	7 June 2023
DA-2-1003 (Issue E)	Basement 6	7 June 2023
DA-2-1004 (Issue E)	Basement 5	7 June 2023
DA-2-1005 (Issue E)	Basement 4	7 June 2023
DA-2-1006 (Issue E)	Basement 3	7 June 2023

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
DA-2-1007 (Issue E)	Basement 2	7 June 2023
DA-2-1008 (Issue E)	Basement 1	7 June 2023
DA-2-1010 (Issue F)	Ground Floor	11 July 2023
DA-2-1010 (Issue G)	Ground Floor	15 August 2023
DA-2-1011 (Issue E)	Level 01 (Commercial)	7 June 2023
DA-2-1012 (Issue F)	Level 02 (Commercial)	11 July 2023
DA-2-1013 (Issue F)	Level 03 (Commercial)	11 July 2023
DA-2-1014 (Issue F)	Level 04 (Commercial)	11 July 2023
DA-2-1015 (Issue E)	Level 05 (Plant)	7 June 2023
DA-2-1016 (Issue F)	Level 06 (Podium)	11 July 2023
DA-2-1017 (Issue E)	Level 07 (Podium Roof)	7 June 2023
DA-2-1018 (Issue E)	Level 8-9 (Residential)	7 June 2023
DA-2-1020 (Issue E)	Level 10-15 (Residential)	7 June 2023
DA-2-1026 (Issue E)	Level 16-20 (Residential)	7 June 2023
DA-2-1031 (Issue E)	Level 21 (Residential)	7 June 2023
DA-2-1032 (Issue E)	Level 22 (Residential)	7 June 2023
DA-2-1033 (Issue E)	Level 23-27 (Residential)	7 June 2023
DA-2-1038 (Issue E)	Level 28 (Plant)	7 June 2023
DA-2-1039 (Issue E)	Level 29-35 (Residential)	7 June 2023
DA-2-1046 (Issue E)	Level 36-39 (Residential)	7 June 2023
DA-2-1050 (Issue E)	Level 40-45 (Residential)	7 June 2023
DA-2-1056 (Issue E)	Level 46-47 (Residential)	7 June 2023
DA-2-1058 (Issue E)	Level 48 (Plant)	7 June 2023
DA-2-1059 (Issue E)	Level 49 (Residential)	7 June 2023
DA-2-1060 (Issue E)	Level 50 (Residential)	7 June 2023
DA-2-1061 (Issue E)	Level 51 (Residential)	7 June 2023

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
DA-2-1062 (Issue E)	Level 52 (Residential)	7 June 2023
DA-2-1063 (Issue E)	Level 53 (Residential)	7 June 2023
DA-2-1064 (Issue E)	Level 54 (Plant)	7 June 2023
DA-2-1065 (Issue E)	Roof	7 June 2023
DA-2-1091 (Issue C)	Adaptable Unit Plans	12 December 2022
DA-2-1092 (Issue C)	Adaptable Unit Plans	12 December 2022
DA-2-1093 (Issue C)	Adaptable Unit Plans	12 December 2022
DA-2-1101 (Issue E)	Section A	7 June 2023
DA-2-1102 (Issue E)	Section B	7 June 2023
DA-2-1103 (Issue E)	Section C	7 June 2023
DA-2-1103 (Issue G)	Section C	15 August 2023
DA-2-1201 (Issue E)	Elevation-North	7 June 2023
DA-2-1202 (Issue E)	Elevation-East	7 June 2023
DA-2-1202 (Issue G)	Elevation-East	15 August 2023
DA-2-1203 (Issue E)	Elevation-South	7 June 2023
DA-2-1204 (Issue E)	Elevation-West	7 June 2023
DA-2-1251 (Issue E)	Context North Elevation	7 June 2023
DA-2-1252 (Issue E)	Context East Elevation	7 June 2023
DA-2-1401 (Issue E)	Ventilation Diagrams Level 10-27	7 June 2023
DA-2-1402 (Issue E)	Ventilation Diagrams Level 29-45	7 June 2023
DA-2-1403 (Issue E)	Ventilation Diagrams 46-50	7 June 2023
DA-2-1410 (Issue E)	Cross Ventilation Diagrams	7 June 2023
DA-2-1421 (Issue E)	Schedule of Openings – Sheet 1	7 June 2023
DA-2-1422 (Issue E)	Schedule of Openings – Sheet 2	7 June 2023
DA-2-1431 (Issue E)	Winter Garden and Awning Window Detail Section	7 June 2023

Architectural Drawings – Candalepas Associates		
Drawing Number	Drawing Name	Date
Stratum Subdivision Drawings - LTS		
Sheet 1 of 22 sheet(s) (Issue B)	Location Plan	24 July 2023
Sheet 2 of 22 sheet(s) (Issue B)	Basement 3-8	24 July 2023
Sheet 3 of 22 sheet(s) (Issue B)	Basement 2	24 July 2023
Sheet 4 of 22 sheet(s) (Issue B)	Basement 1	24 July 2023
Sheet 5 of 22 sheet(s) (Issue B)	Ground Floor	24 July 2023
Sheet 6 of 22 sheet(s) (Issue B)	Level 1	24 July 2023
Sheet 7 of 22 sheet(s) (Issue B)	Level 2	24 July 2023
Sheet 8 of 22 sheet(s) (Issue B)	Levels 3-4	24 July 2023
Sheet 9 of 22 sheet(s) (Issue B)	Level 5	24 July 2023
Sheet 10 of 22 sheet(s) (Issue B)	Levels 6-7	24 July 2023
Sheet 11 of 22 sheet(s) (Issue B)	Levels 8-20	24 July 2023
Sheet 12 of 22 sheet(s) (Issue B)	Level 21	24 July 2023
Sheet 13 of 22 sheet(s) (Issue B)	Levels 22-27	24 July 2023
Sheet 14 of 22 sheet(s) (Issue B)	Level 28	24 July 2023
Sheet 15 of 22 sheet(s) (Issue B)	Levels 29-47	24 July 2023
Sheet 16 of 22 sheet(s) (Issue B)	Level 48	24 July 2023
Sheet 17 of 22 sheet(s) (Issue B)	Levels 49-50	24 July 2023
Sheet 18 of 22 sheet(s) (Issue B)	Level 51	24 July 2023
Sheet 19 of 22 sheet(s) (Issue B)	Level 52	24 July 2023
Sheet 20 of 22 sheet(s) (Issue B)	Level 53	24 July 2023
Sheet 21 of 22 sheet(s) (Issue B)	Level 54	24 July 2023
Sheet 22 of 22 sheet(s) (Issue B)	Roof Level & Above	24 July 2023

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.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(88) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)

The following conditions apply to the development:

- ~~(a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.~~
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site **or Deicorp Projects (Liverpool St) Pty Ltd** has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
- (i) A bank guarantee to be provided in the sum of \$398,250 dollars as security for the costs of such works provided that:
- a. the maximum liability under the Deed must not exceed \$398,250 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;

- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Occupation Certificate.

- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from the principal certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Reason

To allow for the appropriate management of sites where development (demolition/excavation/construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

Background

Site Rectification Deed – Draft Condition 88

On 13 and 14 August 2023, correspondence was received from the applicant requesting amendments to the proposed wording of the recommended condition of consent relating to the site rectification Deed (Condition 88 in the draft conditions of consent contained in Attachment A to the Central Sydney Planning Committee Report). Part (a) of draft condition 88 notes that demolition or excavation may not commence until a Construction Certificate has been issued for construction of the substantive building.

In this instance, a separate development consent is being concurrently assessed for the demolition of the above ground structures (under Development Application D/2022/488) and the same site rectification Deed condition will be imposed on any consent granted to that application. As a result, it is recommended that part (a) of draft condition 88 be deleted.

Further, part (b) of draft condition 88 currently requires the owner of the site to enter into this Site Rectification Deed with Council. The applicant has notified Council that the sale of the site and the transfer in ownership of the site to the developer will be at a date after the commencement of works. As such, it has been requested that the wording of part (b) of draft Condition 88 be modified to permit the developer to enter into the deed with Council (if they are not the owner of the site when works commence on site). It is recommended that the draft condition be amended to state either the owner or the developer, being Deicorp Projects (Liverpool St) Pty Ltd, to enter into the Deed with Council to ensure continuity.

Colonnade design – Condition 1

Following the briefing of the application to the members of the Central Sydney Planning Committee on 10 August 2023, it was requested that further 3D views and elevation drawings of the colonnade be provided for the Committee's consideration prior to determination. This information was requested from the applicant on 11 August 2023 by City Planning staff.

As a result of this request, on 15 August 2023, the applicant on their own volition submitted an amended colonnade design to respond to feedback and to address the relevant controls of the Sydney Development Control Plan 2012 (DCP) for colonnade design and addressing the public domain. A revised single storey colonnade is proposed which retains the rhythm of triangular structural columns, while reducing the width of the columns and introducing a new opening within the column to increase pedestrian amenity and safety within the colonnade.

In accordance with Section 3.2.5(2) of the SDCP, the revised colonnade design is:

- (a) Continuous for the entire street block on Castlereagh Street. A stepped internal soffit is proposed to the colonnade with an approximate 4.2m height at the peak and 2.4m at the base, which terminates at the driveway to allow for large vehicles to enter the site on Castlereagh Street. This remains unchanged from the previous proposal.
- (b) Designed with finely proportioned triangular columns, creating an appropriately proportioned vertical form at the Castlereagh Street boundary. The reduced width of the columns under this proposal retains and enhances the finely proportioned verticality of the colonnade.
- (c) The colonnade provides a high level of visual and physical access to the retail shopfront at the corner of Castlereagh Street and Liverpool Street with the inclusion of a 3m x 3m splay, which is improved under the proposal by the reduction in width of the column, and through the introduction of a new opening within the column to increase visual access within the colonnade.

While the former was acceptable, the revised colonnade design is supported and results in a more open outcome for pedestrian amenity and safety and is consistent with the overall design of the development. The revised ground floor design increases visual surveillance to the various building entries along the Castlereagh Street elevation, increasing activation.

It is recommended that the revised colonnade design be supported and Condition (1) of the recommended conditions be amended to replace the relevant ground floor plan, elevation and section drawings with drawings that reflect the revised design.

Prepared by: Marie Burge, Senior Planner

Attachments

Attachment A. Revised Colonnade Drawings

Approved

A handwritten signature in black ink, appearing to read 'GJahn', positioned to the right of the 'Approved' text.

GRAHAM JAHN AM

Director City Planning, Development and
Transport