

# **Attachment C**

<b>Submissions</b>
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**From:** DM [REDACTED]  
**Sent on:** Wednesday, February 7, 2024 11:15:43 AM  
**To:** council@cityofsydney.nsw.gov.au  
**CC:** gerard@gmp.net.au  
**Subject:** D/2024/36 Address 372-374 Pitt Street SYDNEY NSW 2000 376 Pitt Street SYDNEY NSW 2000 378 Pitt Street SYDNEY NSW 2000 380 Pitt Street SYDNEY NSW 2000 382 Pitt Street SYDNEY NSW 2000 382A Pitt Street SYDNEY NSW 2000 372B Pitt Street SYDNEY NSW 2000 Applica  
**Attachments:** Side window for light 2.JPG (87.29 KB), Side building window 1.JPG (84.87 KB), Side window light 4.JPG (84.12 KB), Window closest to Pitt St.JPG (77.86 KB), Bl.png (1.64 MB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam

I write in relation to DA/2024/36

**Address**

372-374 Pitt Street SYDNEY NSW 2000  
376 Pitt Street SYDNEY NSW 2000  
378 Pitt Street SYDNEY NSW 2000  
380 Pitt Street SYDNEY NSW 2000  
382 Pitt Street SYDNEY NSW 2000  
382A Pitt Street SYDNEY NSW 2000  
372B Pitt Street SYDNEY NSW 2000

**Applicant**

WELL SMART INVESTMENT HOLDING (SYD) PTY LIMITED

I was having difficulty writing on the City of Sydney portal so am emailing instead.

The development looks lovely but I have concerns about the development's proximity to the building I occupy, namely Suite 101 at 370 Pitt St, Sydney, as the light into my office on level 1 will be obscured greatly with the proximity of the new building. I enclose photos of the current view, although not pretty, provides natural light into the office suite. If the developer builds the atrium & the closed off sections of their development as closely as pictured and the upper levels, it will darken the entire office, all 4 rooms of my suite and other offices along that wall to the side of that development.

Kind regards

**G Malouf S/A Trust**

**Owner Suite 101/370 Pitt St, Sydney NSW 2000**













92

**From:** Neil Robinson [REDACTED]  
**Sent on:** Tuesday, February 20, 2024 3:50:38 PM  
**To:** City of Sydney <council@cityofsydney.nsw.gov.au>  
**Subject:** Development Proposal D/2024/36 \_ Concerns with Development Proposed  
**Attachments:** 20240220\_070931.pdf (455.44 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi City of Sydney

Attached is a letter from the owners of Lot 54, 55 and 56 in Strata Plan 52106 ( 370 Pitt Street) in which concerns are raised with the proposed development and its impact on property owned.

The letter is signed by the Chairman of the entities owning the three Lots. The Chairman would like his name to not be shown on documents in the public domain and also requests his details are removed wherever possible- thank you for this.

Thank you also for considering our concerns with the proposed development. We look forward to hearing the resolution of these matters.

Regards

**Neil Robinson**  
Chief Executive Officer



[REDACTED] 702, 370 Pitt Street, Sydney NSW 2000

**P**  
**ABN** 21 871 881 074  
[www.astartinlife.org.au](http://www.astartinlife.org.au)

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City of Sydney

**Objections to Development Proposal D/2024/36 – 372-382A Pitt Street**

We are the owners of Lot 54, 55 and 56 in Strata Plan 52106 at 370 Pitt Street.

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns relate to safety (further details below), loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

We are also very concerned that Carruthers Place, a public laneway seems to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of the three pieces of property in 370 Pitt Street. The existence of the laneway provided substantial light and other amenity to each of the properties. Should there have been any change in use of the laneway, as is now proposed and also occurred when City of Sydney (we are now informed) sold the laneway, we should have received advance notification from City of Sydney, allowing us to raise concerns. Unfortunately this did not occur.

It would appear that the plans submitted by 372- 380 Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located where services crucial to the safe operation of 370 Pitt Street are located and have been located for over 30 years. These services have always been located via/in Carruthers Place, a public laneway and were approved as such by City of Sydney. Those services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters, as required by Fire Rescue NSW are from this laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel complex.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on keeping Carruthers Place available as a public laneway.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

Please note these objections to the development proposal **D/2024/36**.

Yours sincerely ,

NSW Masonic Youth Property Trust- (Chair)  
NSW Masonic Welfare Property Trust-(Chair)

**From:** Paul Davison [REDACTED]  
**Sent on:** Wednesday, February 21, 2024 3:06:53 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** Ref D 2024 36 Sydney Masonic Centre response to City of Sydney Council regarding noise and vibration.pdf (231.57 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Jessica

Please accept our comments in regards to DA/2024/36 (attached). We acknowledge this is an amendment DA changing the project from Hotel/ Residential to Hotel only, and reducing the below ground area to one level.

However, our concerns centre around the threat to our business during the demolition and heavy construction periods. We are seeking certain conditions of consent that will provide us a fair and reasonable outcome. We understand this may need to be negotiated with the developer and we have raised our concerns throughout the community consultation process with URBIS.

We now request that our concerns are formerly recorded with appropriate steps put in place to address our concerns. We are able to make ourselves available at any time that is suitable to Council or the developer in order to progress the discussions.

Yours sincerely

Paul Davison | General Manager | SMC  
**Sydney Masonic Centre**

66 Goulburn Street, Sydney NSW 2000  
PO Box A259 Sydney South NSW 1235

P: [REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows



## **Sydney Masonic Centre response to Council – Amending Concept Development 372 – 382 Pitt Street Sydney**

### **Reference D/2024/36**

Sydney Masonic Centre (SMC) located at 66 Goulburn Street Haymarket is an Events and Conference Centre which rents out commercial event space on a per event basis, generally between one to four events per day period. SMC operates 17h x 7 days per week between 0700 and 2400 most days. Government, corporate and association meetings generally take place from early morning onwards throughout the day, with dining, meetings, cultural or live music events in the evenings/nights.

The SMC building backs directly onto the proposed building site, separated only by a 3m driveway. SMC has two subterranean garage levels, and five above ground levels making up the podium building. The Civic Tower is positioned on top of the podium. SMC is a solid concrete building, with our foundation piers embedded into the common rock body underneath both sites.

Whilst we support the principle of the project, we are very concerned about the demolition and heavy construction period in relation to the viability of our business.

#### **Noise, Vibration and Dust**

SMC would be adversely affected by any noise or vibration sounds caused by drilling, hammering, banging or any type of intrusive construction, with the noise transferring throughout the entire building. Consequently, when heavy works are performed on the building, or nearby, such as installation of FFE, drilling, lift maintenance etc, the works are scheduled to take place outside of contracted booking times. Events cannot be held whilst noisy works take place due to the sound and vibration transfer throughout the entire building, rendering the spaces not fit for use during the demolition and excavation periods.

During the online shareholder consultation briefing with Urbis on 23/1/2024, the shareholders were advised that “to inform the assessment, background noise levels were established. Predictions indicate typical site activities will exceed limits”. It was advised that especially during the heavy construction period, noise and vibration levels are predicted to exceed limits. Shareholders were further informed that it is the responsibility of the selected contractor to manage:

Noise and vibration through:

- Preparation of construction noise and vibration management plan
- Managing site activities within agreed times and respite periods
- Briefing all workers on managing disruption

- Developing work practices and use equipment that reduces noise and vibration to adjacencies
- Promptly responding to and rectifying issues

Further, the minutes reflect that:

Community consultation is key to minimising, not removing all, noise impacts. – There will likely be consultation required to prepare construction management plans.

- Ongoing coordination of construction activities with community to reduce disruption.

#### Monitoring and reporting

- Contractor to install noise and vibration monitors
- Maintain records of all monitor data for verification conformance of site activities with agreed times.
- Provide vibration monitors incorporating an alert system to notify where there may be potential building damage (refer to structural engineer).

Our concern is that, if a contracted event is taking place and the noise or vibration from construction works is such that it causes the event to stop, which is highly likely, then this would be a totally unacceptable situation. SMC have contracts in place with our clients to supply the event spaces in a presentable condition, including within acceptable noise limits. It will be unacceptable to 'manage' the noise and vibration disruptions through 'monitoring' and 'scheduling' because as stated – once an event starts it cannot be stopped, and the business is booked 17h x 7 days per week. This could expose SMC to litigation for breach of contract.

The stakeholder consultation indicated that the noise and vibration levels are predicted to exceed limits, therefore potentially creating a situation where we as a business are unable to trade for a certain period of time during the heavy construction period, potentially weeks or months.

We are open to the prospect of compensation for the inability to trade for a certain period, however this would need to be negotiated and implemented at the earliest possible opportunity as event bookings are taken well in advance, ie months and years ahead. We believe this needs to be a firm non-negotiable condition of consent.

**Dust** – The Sydney Masonic Centre (SMC) has an air-cooled HVAC system installed on the roof top of level 5. The roof top is directly adjacent to the construction site, with no walls, corners, screens or filters of any type in between the SMC HVAC units and the proposed building.

It is expected that the demolition of existing buildings and excavation of the ground, and then to a lesser extent the skyward construction will generate substantially more dust pollution than is normally experienced. We have concerns that the additional dust caught up in our air-cooled HVAC system will cause damage to the units, clog the filters and thereby greatly reduce the efficiency of the system.

We are seeking a solution and conditions that the contractor will implement to alleviate any damage to the HVAC units during the heavy and general construction periods.

Paul Davison | General Manager | SMC  
**Sydney Masonic Centre**

66 Goulburn Street, Sydney NSW 2000  
PO Box A259 Sydney South NSW 1235

P: [REDACTED] 6  
E: [REDACTED] | W: [www.smcfc.com.au](http://www.smcfc.com.au)

**From:** Solvej Malouf [REDACTED]

**Sent on:** Thursday, February 22, 2024 12:01:50 PM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons

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City of Sydney

Objections to Development Proposal D/2024/36 – 372-382A Pitt Street

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of and continued ownership of our property in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

#### Safety

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years(1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway. The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees.

We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

Loss of light, privacy and amenity The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

#### Conclusion

On the basis of the above, as affected neighbours, we object to development proposal D/2024/36.

Yours sincerely,

Solvej Malouf (owner 1304,1305) 370 Pitt St , Sydney

**From:** S Fong [REDACTED]  
[REDACTED] >  
**Sent on:** Thursday, February 22, 2024 8:46:09 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** Request of Submissions (DA) Copy.pdf (241.35 KB)

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*Dear City of Sydney,*

*As one of the owners in this building at 370 Pitt Street, Sydney 2000, we would like to submit our comments as the per attached for your consideration please.*

*Regards  
Spenser Fong  
S & A Prosperity 138 Pty Ltd*

\*\*\*\* CONFIDENTIAL \*\*\*\*

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The Owners  
370 Pitt Street  
SYDNEY NSW 2000

21 February 2024

**Subject: URGENT ATTENTION REQUIRED – SUBMISSION TO CITY OF SYDNEY**

Dear Owners,

I write on behalf of the Strata Committee to bring to your attention to a significant matter requiring your urgent attention and prompt action.

As you may be aware, an application has been submitted by Well Smart Investment Holding (SYD) Pty Limited to develop the site address 372-382A Pitt Street, Sydney NSW 2000.

The proposed development application will have significant implications on our fire and safety, as well as loss of amenity to the southern side of the building.

**The development application reference number is D/2024/36 and is currently open for submissions until 28 February 2024.**

The Strata Committee strongly encourages all owners to review the details of this application and submit your concerns directly to the council. Your individual submissions will contribute to a collective voice that has a more substantial influence on the decision-making process.

We also provide a sample letter below from the committee which you may utilise when making your submission before the deadline.

If you require any additional information on the development application, you may contact Mia Music on 02 9265 9333 from City of Sydney Council.

To make a submission, please following the below steps:

1. Link: <https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2290644>
2. Once you have opened the link, select “comment on this application” and agree to the terms.
3. Once you have agreed, an email will open for you to complete for submission to Council.

We thank you for your immediate attention to this matter.

Yours faithfully,  
**The Strata Committee – SP 46628**



## **Objections to Development Proposal D/2024/36 – 372-382A Pitt Street**

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of and continued ownership of our property in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

### **Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

### **Loss of light, privacy and amenity**

The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

**Conclusion**

On the basis of the above, as affected neighbours, we object to development proposal **D/2024/36**.

Yours sincerely

**From:** Alana Heffernan [REDACTED]  
**Sent on:** Wednesday, February 21, 2024 4:10:28 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** 240221 development.pdf (301.17 KB)

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Dear Ms Symons,

Please find enclosed correspondence in respect of the above matter.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

Alana

Alana Heffernan  
Head of Legal and Operations  
Electrical Trades Union of Australia, NSW Branch  
CEPU, Electrical Trades Union Division, NSW Branch



**ETU NSW & ACT**  
FIGHTING FOR MEMBERS

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City of Sydney

**Objections to Development Proposal D/2024/36 – 372-382A Pitt Street**

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns generally relate to:

- a. safety (further details below); and
- b. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway, seems to be incorporated in this development proposal. The existence of this laneway was a key factor for us in the purchase and continued ownership of our property in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

**Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street (ie fire exits, fire sprinklers, fire valves and exhaust systems) being totally reliant on Carruthers Place, a public laneway.

**SYDNEY**

Level 5, 370 Pitt St  
Sydney NSW 2000  
Ph 02 9267 4844 Fax 02 9267 4877

**NEWCASTLE**

Ph 02 4968 2488 Fax 02 4968 3466

**CANBERRA**

Ph 02 9267 4844 Fax 02 6163 6667

### Loss of light, privacy and amenity

The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

### Conclusion

On the basis of the above, as affected neighbours, we object to development proposal **D/2024/36**.

Yours sincerely

Allen Hicks  
Secretary  
Electrical Trades Union of Australia, NSW/ACT Branch

#### SYDNEY

Level 5, 370 Pitt St  
Sydney NSW 2000  
Ph 02 9267 4844 Fax 02 9267 4877

#### NEWCASTLE

Ph 02 4968 2488 Fax 02 4968 3466

#### CANBERRA

Ph 02 9267 4844 Fax 02 6163 6667

**From:** Kim Paul [REDACTED]  
**Sent on:** Thursday, February 22, 2024 12:16:52 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons

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City of Sydney

#### Objections to Development Proposal D/2024/36 – 372-382A Pitt Street

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal.

Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of and continued ownership of our property in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

#### **Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.



The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Especially, our property (Suite 206) will lose natural light and privacy as we are at the 2<sup>nd</sup> level of 370 Pitt street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

**Conclusion**

On the basis of the above, as affected neighbours, we object to development proposal D/2024/36.

Yours sincerely,

Gi Yoan Kim  
Owner of Suite 206, 370 Pitt Street, Sydney  
22/02/2024

**From:** Ming Ling [REDACTED]

**Sent on:** Wednesday, February 21, 2024 6:34:21 PM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons

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Dear Sir/Madam

Objections to Development Proposal D/2024/36 – 372-382A Pitt Street

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## **1. safety ;**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney. We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway. and

## **2. Loss of light ;**

loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development. The proposed development is of a significant scale, with minimal setbacks, and encroachment on to

what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

## **Conclusion**

On the basis of the above, as affected neighbours, we object to development proposal D/2024/36.

Please consider the above reasons of our rejection.

Thank you

Regards

Ming Ling  
Topline Enterprise Pty Ltd  
13/370 Pitt street Sydney

**From:** Stephen P Firth of Firths [REDACTED]  
**Sent on:** Thursday, February 22, 2024 1:18:32 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** 2219\_001.pdf (124.95 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find **attached** herewith correspondence from Stephen Firth.

Any responses to this communication should be sent **only** to [REDACTED]

Kind Regards,

  
THE COMPENSATION LAWYERS  
Level 6, 370 Pitt Street, SYDNEY NSW 2000  
P: (02) 8268 5300 F: (02) 8268 5399  
W: [www.firths.com.au](http://www.firths.com.au) E: [REDACTED]

This electronic mail may contain legally privileged or confidential information which is intended for the use of the addressee only. If you receive this mail in error, please delete it from your system immediately and notify us at either the above email address or on +61 2 8268 5300.

The Chief Planning and Development Officer  
City of Sydney

22 February 2024

Our Ref: SPF:SMB  
E-mail: [spf@firths.com.au](mailto:spf@firths.com.au)  
[www.firths.com.au](http://www.firths.com.au)

Dear Sir/Madam

**RE: OBJECTIONS TO DEVELOPMENT PROPOSAL D/2024/36 – 372-382A PITT STREET SYDNEY**

I am the owner of the whole of level 6, and also suite 707, 370 Pitt Street, Sydney. I have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, I am very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for me in the purchase of and continued ownership of my properties in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

**Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

I am aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and my employees. I am very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

I am also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

### **Loss of light, privacy and amenity**

The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, I submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

### **Conclusion**

On the basis of the above, as affected neighbours, I object to development proposal D/2024/36.

Yours faithfully

**FIRTHS – THE COMPENSATION LAWYERS**



**From:** David Lui [REDACTED]  
**Sent on:** Wednesday, February 21, 2024 6:44:58 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**CC:** [REDACTED]  
**Subject:** D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

**Attention: Jessica Symons**

Dear Mdm,

I am the owner of a unit at 370 Pitt Street. After reviewing the application lodged for 372-374 Pitt Street, I would like to put in my feedback to this development.

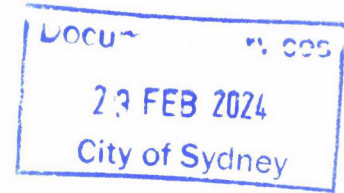
The loading bay design in the proposed development would prevent effective use of the public laneway (Carruthers Place) as a safety measure of 370 and surrounding buildings. This would affect the safety in the short term and asset value in the long term. If the developer has no solution to mitigate both of these risks, **I have no choice but object to this development.**

Thank you for your attention.

Regards,,

David Lui  
Kanto Holdings P/L  
1308/370 Pitt Street.

City of Sydney



**Objections to Development Proposal D/2024/36 – 372-382A Pitt Street**

We have received information about a development proposal for 372-382A Pitt Street and have substantial concerns regarding the proposal. These concerns include safety issues (details provided below), the potential loss of amenity, and a significant reduction in natural light due to the proposed development's overwhelming and disproportionate scale.

Additionally, we are troubled by the apparent inclusion of Carruthers Place, a public laneway, in this development proposal. The existence and continued presence of this laneway played a crucial role in our decision to acquire the five properties at 370 Pitt Street. The laneway provided considerable light and amenity to each property. If there were any changes to the laneway's use, as proposed now and as happened when the City of Sydney (as we recently learned) sold the laneway, we should have received prior notification from the City of Sydney to express our concerns. Unfortunately, this notification did not occur.

It seems that the plans submitted for 372-380 Pitt Street include a loading bay in a location where essential services vital for the safe operation of 370 Pitt Street have been situated for over 30 years. These services, approved by the City of Sydney, involve two fire stairs discharging to Carruthers Place, a public laneway. Additionally, ventilation systems (supply, exhaust, and stair pressurization intake), access to a critical fire control room, and fire boosters, as required by Fire Rescue NSW, all rely on this laneway.

These issues pose significant safety risks for 370 Pitt Street, its occupants, and our employees. We are deeply concerned that safety is being compromised, especially as pedestrians using fire exits would be exiting onto a loading bay used by trucks, heavy vehicles, and cars servicing a large hotel complex.

We understand that the City of Sydney approved the Building Application for 370 Pitt Street over 30 years ago (1988), and at that time, the Council was aware that these safety measures depended on maintaining Carruthers Place as a public laneway.

Council records over the years, including more recent times, also indicate the City of Sydney's significant awareness of the existence of services from 370 Pitt Street, such as fire exits, fire sprinklers, fire valves, and exhaust systems, all heavily reliant on Carruthers Place as a public laneway.

Please consider these objections to the development proposal D/2024/36.

Sincerely yours,



occupies level 1, 2, 4, 9 & 10  
362-370 Pitt St  
SYDNEY NSW 2000  
21/02/2024

The Town Clerk  
The Council Of The City Of Sydney  
G.P.O. Box 1591  
SYDNEY NSW 2001

(agreed  
1872/87)

6th August, 1990.

Attention: Director Of Planning and Building

Dear Sir,

RE: PROPERTY NO'S - 362-372A PITT STREET, SYDNEY.

BUILDING APPROVAL NUMBER 1092/88

We refer to the approval granted in respect of the Mechanical Services Drawings dated 18th May, 1990 and Condition No. 6 attaching to the Plan Assessment Report of the Health and Community Services Department date 26th April, 1990. We also refer to our Meeting with Mr. Peter Conroy of Council on Wednesday, 30th May, 1990 at which we agreed with Mr. Conroy that we write to Council and ask that compliance with Condition No.6 be dispensed with.

As you are aware, the position of the Car Park Exhaust Grilles shown in the Mechanical Services Drawings for the revised Building Application (1092/88) is precisely the same as that contained in the Mechanical Services Drawings approved in respect of the Building Approval granted in March, 1988 (1872/2/87). The Mechanical Services Drawings in respect of the earlier Building Application were approved on 1st June, 1988, without mention or objection to the location of the Car Park Exhaust Vents and there was no Condition attaching to such Approval, in terms of Condition No.6, which Council has now sought to impose. A summary of the events relating to these approvals is attached.

As Council is aware, Carruthers Place has existed since a subdivision of the area in 1840. Searches and enquiries made on our behalf have failed to uncover any evidence that would suggest that Carruthers Place has been used for any purpose other than a roadway and public thoroughfare. With respect, it is inconceivable, given that Carruthers Place has been used in this fashion for in excess of 150 years, that anyone will now attempt to establish title to the land. Even if that remote possibility should eventuate, such an attempt would be unsuccessful, given the public use of the thoroughfare for such a long period of time.


.../2

2.

In fact it has been brought to our attention that Council at its Meeting of 23rd July, 1990 has given notice of its intention to take over Carruthers Place in accordance with the provisions of Sections 224 (3) and 628 of the Local Government Act 1919.

In conclusion, we consider that Council's Condition No 6 with respect, is unreasonable having regard to the past, present and future use of Carruthers place and to the previous approvals granted by Council and accordingly our Company, respectfully requests that Council delete the Condition No 6 it has imposed. Conditional upon the land being resumed.

Yours faithfully,  
SOUTHERN INTERNATIONAL CONSTRUCTIONS PTY LTD

  
D.Kenny  
DIRECTOR



## LEGEND

WALL CODE NO.

- C2H 2 HOUR FIRE RATED CONCRETE WALL  
 C3H 3 HOUR FIRE RATED CONCRETE WALL  
 C4H 4 HOUR FIRE RATED CONCRETE WALL

DOOR CODE

- D2H 2 HOUR FIRE RATED CONCRETE DOOR  
 D3H 3 HOUR FIRE RATED CONCRETE DOOR  
 D4H 4 HOUR FIRE RATED CONCRETE DOOR

FLOOR CODE

- F1 1st FLOOR  
 F2 2nd FLOOR  
 F3 3rd FLOOR  
 F4 4th FLOOR  
 F5 5th FLOOR  
 F6 6th FLOOR  
 F7 7th FLOOR  
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Hi Matthew

As agreed here are the items that we wanted Warwick to consider and include as grounds for Objection to the Wellsmart proposal. Could you please pass these on to Warwick.

Could you please advise Warwick that the grounds for our objection should include the following

### **General**

- Council erred in not registering an easement, recognising fire exits, access required to fire hydrants etc when the building was approved Building Approval 1092/88 ( refer doc attached ) . See also plans submitted to City of Sydney showing the fire exits and hydrant booster valve.
- Council should now rectify these issues and do so in a manner that satisfies all and any current council regulations. As a minimum we would expect a detailed Management Plan to be prepared
- Council knew of existing fire egress, hydrant and exhaust requirements of 370 Pitt Street and should have taken them into account before providing consent to Bellingbak and should now do this before approval might be given to Wellsmart
- Non rectification of these issues will cause safety issues for this building and its occupants
- Council did not advise owners of 370 Pitt Street of its intention to sell what was considered to be a public laneway, the existence of which provided substantial value to property located in 370 Pitt Street
- 370- Pitt Street is very concerned with safety issues as per below
- It would appear that the plans submitted by 372- 380 Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located where services crucial to the safe operation of 370 Pitt Street are located and have been located for over 30 years. These services have always been located via/in Carruthers Place, a public laneway and were approved as such by City of Sydney.

Those services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters, as required by Fire Rescue NSW are from this laneway.

- The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel complex.

#### **Legal Issues Identified in Warwick's Advice**

- Easement by Prescription – we believe this applies to the fire exits, access to fire hydrants, exhaust
- Developer has not satisfied the condition provided in the development consent dated 15 September 2022.
- As part of the conditions of consent the Council required the applicant to ensure that an appropriate easement for fire safety matters was put in place along the northern boundary of Carruthers Place for the specific use of SP46628
- That the following conditions included in the conditional approval given to Bellingbak D/2021/1504 have not been met/ not complied with
- 22- development not to encroach onto neighbouring properties ( It does- as it encroaches on fire exits, fire boosters exhaust)
- 27 - all loading must be carried out within the confines of the site and must not obstruct other properties or the public way.

it does obstruct- particularly the loading bay which obstructs access to fire exits, fire boosters exhaust systems)



It will significantly obstruct pedestrians coming to and from 370 Pitt Street and is a major safety hazard.

The loading bay will require cars to cross a footpath which carries significant pedestrian traffic going to and from 370 Pitt Street and other buildings in this area

- 41- The latest DA does not provide any detail on how it will deal with easements, rights of access we have to the Carruthers Place. It does not show how they will be maintained, varied or extinguished

### **Other**

Please also advise Warwick that we would also welcome his thoughts and inclusion of any grounds that could strengthen the objection we are lodging. << File: Letter Objecting to WellSmarts DA - General Concerns Strata Committee.docx >>

Also attached is a letter which an owner is planning to send. This may give Warwick some more information which he may wish to include?

Thanks

Neil Robinson  
Chief Executive Officer







U02

30 January 2024

The Occupier  
362-370 Pitt Street  
SYDNEY NSW 2000

**Applicant name:**

WELL SMART INVESTMENT HOLDING (SYD) PTY LIMITED

**Reference number:**

D/2024/36

**Site address:**

372-374 Pitt Street , SYDNEY NSW 2000, 382A Pitt Street , SYDNEY NSW 2000, 376 Pitt Street , SYDNEY NSW 2000, 378 Pitt Street , SYDNEY NSW 2000, 380 Pitt Street , SYDNEY NSW 2000, 382 Pitt Street , SYDNEY NSW 2000, 372B Pitt Street , SYDNEY NSW 2000

**Proposed development:**

Amending Concept Development Application to modify the Concept Approval (D/2021/1504) to allow for the removal of the approved residential land use, and the provision of hotel and retail land uses only, and associated changes.

The City of Sydney has received the above application. As part of our assessment, we are notifying surrounding neighbours and property owners to seek their views on the proposal.

We are accepting comments on the proposal until **28 February 2024**. If this date is on a weekend or public holiday, the period is extended to the next working day.

We encourage you to review all documents to understand the details of the proposal.

View the full application and send us your comments by typing [cityofsydney/find-da](https://cityofsydney.nsw.gov.au/da) in the address bar on your browser.

Guidance to prepare your comments is on the website and on the back of this page.

For more information, contact Mia Music on 02 9265 9333.

Bill MacKay  
Manager Planning Assessments



[cityofsydney.nsw.gov.au](https://cityofsydney.nsw.gov.au)

## Providing feedback on development proposals

1. If you would like to comment on the proposal, you can email your feedback before the closing date at ePlanning search - [city.sydney/find-da](http://city.sydney/find-da) (preferable) or by posting to City of Sydney, GPO Box 1591, Sydney NSW 2001, including the relevant application number and address. If your feedback is an objection, your reasons should be clearly given. We would like to know about the issues that are important to you.
2. City of Sydney employees assess applications against planning criteria in local planning controls and state legislation. You can view the planning controls on our website at [cityofsydney.nsw.gov.au/development-control-plans](http://cityofsydney.nsw.gov.au/development-control-plans).
3. We will send you a letter or email confirming we have received your feedback and will carefully consider it as part of the assessment.
4. Any feedback about this development will **not** be kept confidential and will be made completely available on the City of Sydney's website as explained in the terms and conditions of making a submission in ePlanning search.
5. If you want some or all identifying information about you to be private, instead of using ePlanning search send your feedback to [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au). You must include the relevant application number, and the site address in your email. Tell us what identifying information you want kept private in the first paragraph of your feedback. We will still publish your feedback but with information which may identify you withheld.
6. Feedback is routinely placed on the NSW Planning Portal. Even when your privacy is requested, personal information within these copies will be available in the portal to applicants and external agencies.
7. If amendments are made to the application before determination and City of Sydney employees consider these to be minor or to reduce impacts, you will not be notified again. However, we will contact you if significant changes are made to the current proposal.
8. The Local Planning Panel or the Central Sydney Planning Committee will directly determine more significant or contentious applications. The committee deals with applications valued over \$50 million. Applications that involve minor development or less complex issues will ordinarily be determined under delegation of Council, by the Director of City Planning, Development & Transport.
9. If the application is to be determined by the Local Planning Panel, City of Sydney employees will contact people who provided feedback, wherever possible. Due to the short timeframe from when an agenda is published to the meeting taking place, it is not always practical to post a letter to people who commented. We ask you to include a daytime phone number or email address, so we can contact you quickly.
10. The Local Planning Panel generally meets every second Wednesday. The Central Sydney Planning Committee generally meets every 3 weeks on Thursday evenings. The public is welcome to attend these meetings, which are held in the Council Chambers at Sydney Town Hall, 483 George Street. Contact Secretarial on 02 9265 9333 to find out the dates and times of the next meetings. You can ask to speak at committee meetings, and if this is possible, you will have three minutes to present your issues.
11. Agendas and reports for committee are generally available one week before the meeting on the City of Sydney's website, [meetings.cityofsydney.nsw.gov.au](http://meetings.cityofsydney.nsw.gov.au). Copies are also available free of charge from our customer service centre at Town Hall House and our neighbourhood service centres in Glebe, Green Square and Kings Cross.
12. When a final decision is made about an application, we will inform everyone who gave feedback about the outcome. For development proposals determined by the Local Planning Panel or Central Sydney Planning Committee, the minutes of meetings will be available on the City of Sydney's website.
13. Should you provide feedback, if you have given a gift or made a donation to a councillor, employee or approved contractor of the City of Sydney in the past 2 years, you must include a disclosure statement with your feedback ([city.sydney/disclose-donation-gift](http://city.sydney/disclose-donation-gift)). Failure to disclose relevant information is an offence under the *Environmental Planning and Assessment Act 1979*. It is also an offence to make a false disclosure statement.
14. City of Sydney employees are available to assist you. You can talk with City of Sydney planner dealing with the application about its progress, planning controls, the possible timing of consideration by committee (if applicable) and further information on anything that is not clear from the application documents.

**From:** Stephen P Firth of Firths [REDACTED]  
**Sent on:** Friday, February 23, 2024 11:16:26 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** 2219\_001.pdf (124.95 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find **attached** herewith correspondence from Stephen Firth.

Any responses to this communication should be sent **only** to [REDACTED]

Kind Regards,

  
THE COMPENSATION LAWYERS  
Level 6, 370 Pitt Street, SYDNEY NSW 2000  
P: (02) 8268 5300 F: (02) 8268 5399  
W: [www.firths.com.au](http://www.firths.com.au) E: [spf@firths.com.au](mailto:spf@firths.com.au)

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The Chief Planning and Development Officer  
City of Sydney

22 February 2024

Our Ref: SPF:SMB  
E-mail: [spf@firths.com.au](mailto:spf@firths.com.au)  
[www.firths.com.au](http://www.firths.com.au)

Dear Sir/Madam

**RE: OBJECTIONS TO DEVELOPMENT PROPOSAL D/2024/36 – 372-382A PITT STREET SYDNEY**

I am the owner of the whole of level 6, and also suite 707, 370 Pitt Street, Sydney. I have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, I am very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for me in the purchase of and continued ownership of my properties in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

**Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

I am aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and my employees. I am very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

I am also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

### **Loss of light, privacy and amenity**

The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, I submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

### **Conclusion**

On the basis of the above, as affected neighbours, I object to development proposal D/2024/36.

Yours faithfully

**FIRTHS – THE COMPENSATION LAWYERS**



**From:** [REDACTED]  
**Sent on:** Saturday, February 24, 2024 9:10:16 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Development Proposal D/2024/36 - 372-382A Pitt Street\_Objection  
**Attachments:** Letter\_Object to Development Application.pdf (162.53 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir,

Enclosed please find our letter of objection in regard to **Development Proposal D/2024/36 – 372-382A Pitt Street**

Regards,

James Liu

**Fergusson & Wright**

Chartered Accountants

Suite 1002 Level 10

370 Pitt Street

SYDNEY NSW 2000

Ph: [REDACTED]

Liability limited by the Accountants Scheme, approved under the Professional Standards Legislation

# ***PIANCO HOLDINGS PTY LTD***

*ABN 31 003 051 509  
Suite 1002 Level 10, 370 Pitt Street  
SYDNEY NSW 2000  
Telephone: (02) 9264 7288*

City of Sydney  
Town Hall House  
Gadigal Country  
Level 2, 456 Kent Street  
Sydney 2000

23 February 2024

To City of Sydney,

## **RE: Objections to Development Proposal D/2024/36 – 372-382A Pitt Street**

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have several significant concerns with the proposal. Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of and continued ownership of our property in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

### **Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

### **Loss of light, privacy and amenity**

The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372 – 382A Pitt Street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

### **Conclusion**

On the basis of the above, as affected neighbours, we object to development proposal **D/2024/36**.

Yours sincerely

Yours faithfully,  
PIANCO HOLDINGS PTY LTD

A large rectangular grey box used to redact the signature of James Liu.

James Liu  
Director



**From:** Simon Greig [REDACTED]  
**Sent on:** Tuesday, February 27, 2024 4:32:10 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**CC:** [REDACTED]  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** City of Sydney, DA objection, 372 Pitt St, 27 Feb 24.pdf (1.58 MB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Jessica

Please see attached letter containing my formal objection in relation to the above DA submission.

Regards

Simon Greig

## City of Sydney

### Objections to Development Proposal D/2024/36 – 372-382A Pitt Street

I have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal.

Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of and continued ownership of our property in 370 Pitt Street.

The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

The plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years.

The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

I am aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway. The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees.

I am very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

I am also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street including fire exits, fire sprinklers, fire valves and exhaust systems totally reliant access from and egress via Carruthers Place, a public laneway.

In terms of specific details on Carruthers Place Laneway in the context of the original approval for 370 Pitt Street, I submit the following:

- 1) City of Sydney granted approval for 370 Pitt street [Development Approval (DA) & Building Approval (BA)]and being built in accordance with the approval and relying on existing laneway without any obstruction. In other words, City of Sydney has approved building (DA and BA) at 370 Pitt St with two fire stairs discharging to the laneway (minimum of two

metres of exit to Pitt St required for safe egress from two fire stairs and safe access by FRNSW to Fire control room and fire hydrant and sprinkler booster)). In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to fire control room and booster by FRNSW are from subject laneway. All approved by City of Sydney.

- 2) Please refer to the attached document from Building Approval file by City Of Sydney in relation to the subject lane way. It appears that it has been recommended in July 1990 and approved by Council to change laneway to a public road. This would have been part of DA and BA approval of 370 Pitt St.
- 3) I understand the laneway was sold recently by Council to someone and Council has ignored the above matters, which is not right. This appears to be breach of Council base building approval and Council recommendation to change laneway to public laneway!
- 4) The construction of the proposed loading dock in the lane way or any modification to the lane way will be in breach of Council approvals and recommendations by them to change laneway to public laneway.
- 5) Council will add to their previous mistakes by approving the proposed loading dock as shown in the submitted drawing for the proposal.
- 6) Council must not approve the loading dock as shown on the submitted plan or any structure or building elements or any obstruction over any part of laneway and must place a condition for easement/covenant to prevent any future obstruction over full width of laneway otherwise Council will be in breach of their previous approvals for construction of 370 Pitt St. Also, if approval granted for the proposed loading dock or any building works within laneway it will make 370 Pitt St as unsafe for its occupants and impact on health and amenity of occupant of 370 Pitt St.

The following documentation from the time of the original approval for 370 Pitt Street supports the above 6 points.



**Lincolne Scott Australia Pty Ltd**  
Consulting Engineers (inc Vic)

83 Alexander Street, Crows Nest  
PO Box 737  
New South Wales 2065  
Telephone: (02) 906 3166  
Telex: Linsco AA 33940  
Fax: (02) 906 3680

MK/DOC  
2/GEN10/021  
2980/0/5

4th June 1990

The Town Clerk  
Council of the City of Sydney  
PO Box 1591  
SYDNEY NSW 2000

Attention: Mr. P. Conroy  
(Health & Community Services Dept.)

Dear Sir,

Re: **COMMERCIAL DEVELOPMENT - 370 PITT STREET, SYDNEY**  
**MECHANICAL SERVICES**  
**BA REFERENCE 1092/88**

We refer to the Health and Community Services Department Plan Assessment Report dated 26th April 1990, Ref. No. DN 998/90.

This report contains conditions No. 1 and 27 which indicate new requirements of air filters on fan assisted VAV boxes and the Carpark supply system.

We respectfully request the Council reconsider implementation of these conditions for this particular project for the following reasons:-

The Mechanical Services drawings for the above project were initially submitted for Council approval in May 1988. These drawings were documented for the thirteen (13) storey office building. Prior to submission of drawings, details of the Carpark ventilation system were reviewed with the Council in September 1987 and approval obtained for the mechanical supply ventilation system without filters. This was in consideration of the mechanical ventilation being supplemented by the unfiltered make-up air entering the Carpark via the entrances at Pitt and Castlereagh Streets.

The conditions of building approval BA Ref. No. 1872/87 were received in June 1988. These conditions raised no requirement for the filtration of air recirculated through the fan assisted VAV boxes.

.../2

Subsequently, the project was expanded to the fifteen (15) storey office building. This expansion however, had only minor effect on the Mechanical Services and did not affect design of the typical office floor or the Carpark.

The drawings were resubmitted for Council approval in March/April 1989. The new conditions of building approval were received in our office on 22nd May 1990. During the period of fourteen (14) months from the resubmission of drawings to the receipt of approval conditions, the project has reached the stage of practical completion.

By reasons of the above, we seek the Council's dispensation from the Conditions No. 1 and 27 of the Plan Assessment Report.

Yours faithfully,  
LINCOLNE SCOTT AUSTRALIA PTY. LTD.



M. KRAWCZYK

*Yes, due to the circumstances described  
in this letter, it is unreasonable  
to enforce the condition.*

*Robert Brown  
10/6/90*



# SOUTHERN INTERNATIONAL

Southern International Constructions Pty Ltd

Level 10, 257 Elizabeth Street, Sydney 2000

P.O. Box A102 Sydney South 2000

Telephone 264 9999 Fax 264 8818

The Town Clerk  
The Council Of The City Of Sydney  
G.P.O. Box 1591  
SYDNEY NSW 2001

*(original appl  
1872/87)*

6th August, 1990.

**Attention:** Director Of Planning and Building

Dear Sir,

RE: PROPERTY NO'S - 362-372A PITT STREET, SYDNEY.

BUILDING APPROVAL NUMBER 1092/88

We refer to the approval granted in respect of the Mechanical Services Drawings dated 18th May, 1990 and Condition No. 6 attaching to the Plan Assessment Report of the Health and Community Services Department date 26th April, 1990. We also refer to our Meeting with Mr. Peter Conroy of Council on Wednesday, 30th May, 1990 at which we agreed with Mr. Conroy that we write to Council and ask that compliance with Condition No.6 be dispensed with.

As you are aware, the position of the Car Park Exhaust Grilles shown in the Mechanical Services Drawings for the revised Building Application (1092/88) is precisely the same as that contained in the Mechanical Services Drawings approved in respect of the Building Approval granted in March, 1988 (1872/2/87). The Mechanical Services Drawings in respect of the earlier Building Application were approved on 1st June, 1988, without mention or objection to the location of the Car Park Exhaust Vents and there was no Condition attaching to such Approval, in terms of Condition No.6, which Council has now sought to impose. A summary of the events relating to these approvals is attached.

As Council is aware, Carruthers Place has existed since a subdivision of the area in 1840. Searches and enquiries made on our behalf have failed to uncover any evidence that would suggest that Carruthers Place has been used for any purpose other than a roadway and public thoroughfare. With respect, it is inconceivable, given that Carruthers Place has been used in this fashion for in excess of 150 years, that anyone will now attempt to establish title to the land. Even if that remote possibility should eventuate, such an attempt would be unsuccessful, given the public use of the thoroughfare for such a long period of time.


.../2

2.

In fact it has been brought to our attention that Council at its Meeting of 23rd July, 1990 has given notice of its intention to take over Carruthers Place in accordance with the provisions of Sections 224 (3) and 628 of the Local Government Act 1919.

In conclusion, we consider that Council's Condition No 6 with respect, is unreasonable having regard to the past, present and future use of Carruthers place and to the previous approvals granted by Council and accordingly our Company, respectfully requests that Council delete the Condition No 6 it has imposed. Conditional upon the land being resumed.

Yours faithfully,  
SOUTHERN INTERNATIONAL CONSTRUCTIONS PTY LTD

  
D. Kenny  
DIRECTOR

*Letter of reply is required notifying  
the words that dispensation will  
be granted subject to final  
resumption of land*



25th June, 1990.

SUMMARY.

(1) On the 21st October, 1987, the Council Of The City Of Sydney approved a Building Application for the Construction of an Underground Substation (Ref.B.A. 1218: 8:87) which shows the Exhaust Grills discharging on the Boundary Line into Carruthers Place.

(2) The original Building Application (1872/2/87) for this project was submitted on the 11th September, 1987 and was approved by the Council on the 15th March, 1988.

(3) Following Submission of that Original BA on the 11th September, 1987, a Meeting was convened with Council on the 28th September, 1987. This Meeting was Minuted and officially confirmed back to Council in a Letter dated 30th September, 1987. Minute 1.4 specifically refers to the current problem.

(4) Following on from (3) above Lincolne Scott Australia Pty Ltd submitted Mechanical Services Drawings on the 9th May, 1988 in compliance with Council's stated request. Drawing No. M4 shows the Carpark Exhaust in position as constructed. These Mechanical Service Drawings were approved on the 1st June, 1988 without mention or objection to the location of the Car Park Exhaust.

(5) Whilst work was progressing in accordance with the original B.A., a revised Building Application (1092/88) for a building of increased height, was submitted in April, 1988. This revised B.A. was approved on the 12th September, 1988. Approved B.A. Drawings No's A2.03K, and A3.03F show the Carpark Exhaust Grille in its now constructed position immediately on the Boundary of Carruthers Place. The location of the Carpark Exhaust Grills are in exactly the same location as shown in the original Mechanical Service Drawings approved on the 1st June, 1988.

(6) The Mechanical Service Drawings for the revised Building Application were submitted on the 3rd April, 1989. Whilst receipt of these drawings is acknowledged by Council the Drawings were lost in Council's system and it was not until February, 1990 after continual pressure for approval of these Drawings by Southern International Constructions Pty. Ltd., that Council admitted that they could not locate the Drawings.

Council requested further copies of these Mechanical Service Drawings and these were submitted on the 8th February, 1990. Approval of these Drawings was received on the 22nd May, 1990. This approval contains the Condition No 6 which is now causing concern.

COUNCIL  
23RD JULY, 1990

PARCELS OF LAND, LANES, PASSAGES, BEING RESIDUALS OF SUBDIVISION, RATED OR UNRATED, THE OWNERS OF WHICH ARE UNKNOWN OR UNTRACEABLE - COUNCIL POLICY.  
(A03-00082)

16.

That arising from consideration of a report by the Acting City Engineer dated 9th July, 1990, approval be given to:-

- (1) the service on the owners of the lands referred to in Items 1, 5, 6, 8, 9, 10, 11 and 15 of the schedule accompanying the report of the Acting City Engineer, Notice of Council's intention to take over the road in accordance with the provisions of Sections 224(3) and 628 of the Local Government Act, 1919, subject to the City Solicitor being satisfied that each Item complies with the requirements of Section 224(3);
- (2) the Items 4, 7, 12, 13, 14 and 16 of the schedule accompanying the report of the Acting City Engineer be referred to the City Solicitor for investigation and subsequent recommendation;

- and further, any relevant documents and plans be executed, if required, under the Common Seal of the Council or by Council's Attorney.

Carried.

*CE (K. Davis)*

*SCM.*

*Label. 2-8-90.*

*—*

*11/2/90. Lian note & Record. 6/2/90*

*Indexed and recorded Miscellaneous BK N°24.*

*ALR 3/6/90.*

COMMITTEE  
ITEM No. 16. FINANCE COMMITTEE

City Engineer's Department

MINUTE PAPER

C34AAG

KD/AJ

File No. A03-00082

Subject: PARCELS OF LAND, LANES, PASSAGES, BEING RESIDUALS OF SUBDIVISION,  
RATED OR UNRATED, THE OWNERS OF WHICH ARE UNKNOWN OR UNTRACEABLE.  
COUNCIL POLICY.

Date 9th July, 1990

THE TOWN CLERK

I refer to the City Solicitor's minutes dated 10th and 31st January, 1990, which make further recommendation in respect of 17 parcels of land, of doubtful status, which have untraceable or unknown owners, referred to in the Acting City Engineer's minute dated 27th September, 1989.

Six properties, namely Items 4, 10, 12, 13, 14 and 16, shown on the revised Schedule attached hereto, were previously recommended by the Acting City Engineer in the aforementioned minute for action by way of sale for overdue rate pursuant to Section 602 of the Local Government Act, 1919. The City Solicitor, in his first mentioned minute, however, advised, in part, as follows:

"There are six properties which the City Engineer recommended for action by way of sale for overdue rates. In general I think that this procedure is not recommended as it requires Council to form a positive opinion that the land is privately owned. In the case of any laneways or passages which were created before the 1879 Act I would be reluctant to form that opinion. The one thing that has been clearly established by the recent examples of cases disputing the status of laneways and passages is that if the laneway was created before 1880 then the determination of its status will almost always be difficult and require exhaustive searching of 19th century records and conveyancing documents. Whether lands are laneways or passages, resumption or action under Section 224(3) will almost always be more appropriate".

After further discussion with the City Solicitor it is now considered that five of these properties, Items 4, 12, 13, 14 and 16, should be further investigated by the City Solicitor prior to final decision as to resumption or action under Section 224(3) of the Local Government Act would be more appropriate.

In the light of the City Solicitor's aforementioned comments and further discussion, it is now recommended that action under Section 224(3) Local Government Act, 1919, be taken in regards to Item 9, Carruthers Place, a lane between Nos. 370 and 372 and the rear of Nos. 372-374 Pitt Street, and Item 10, a lane between No. 29 and No. 31 and at the rear of Nos. 31-33 Oxford Street.



Items 1, 5, 6, 7, 8, 11, 15 of the attached Schedule were all previously recommended for action under Section 224(3) of the Local Government Act, 1919, by the Acting City Engineer in his aforementioned minute dated 27th September, 1989.

The City Solicitor in his first mentioned minute dated 10th January, 1990, advised, in part, as follows:-

"The remaining items are recommended for action pursuant to Section 224(3). The information in the Engineer's report, to my mind, establishes a doubt as to the status of the lands in the case of all but Item 7 where survey states that the lane is subject to various rights of way. Specifically created rights of way on the whole are consistent with an intention that laneways remain in private ownership."

It is therefore considered that Item 7, a lane between Nos. 389 and 391 and at the rear of Nos. 389-395 George Street, Sydney, now should also be further investigated by the City Solicitor with regard to possible resumption action under the provisions of the Public Roads Act, 1902.

Items 2, 3, 17 of the attached Schedule are the subjects of separate actions.

The City Solicitor in his second mentioned minute, dated 31st January, 1990, set out the appropriate steps that should be followed by Council if it intends to take action pursuant to Section 224(3). The City Solicitor states, in part, as follows:-

"The subsection (245(3)) clearly sets out the procedure to be followed by Council. Council should not serve notice of its intention to take over the road until it is satisfied of two factors, namely:

1. that the road has been left in subdivision of private lands before the commencement of the Local Government Act, 1906; and
2. there exists a doubt as to whether or not it is a public road.

While my minute of 10 January, 1990 deals with the second point, Council must also be satisfied as to the first. If Council is in any doubt as to whether any of the items recommended for action pursuant to Section 224(3) were left in subdivision of private lands before the commencement of the 1906 Act, this matter should be clarified before any notice of intention to take over the road is served. It is not possible for me to advise in relation to this issue from the material contained in Council's file."

and further:

"Once Council is satisfied that the items which are recommended for action pursuant to section 224(3) are roads left in subdivision in private lands before the commencement of the Local Government Act, 1906, it would be appropriate for Council to pass the following resolution:

That arising from consideration of the Acting City Engineer's minute of 27th September, 1989 and the City Solicitor's minute of 10 January 1990, Council resolves to serve on the owners of the lands referred to in items ( ) of the Schedule to the Acting City Engineer's minute notice of intention to take over the road in accordance with the provisions of Sections 224(3) and 628 of the Local Government Act, 1919".

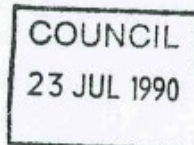
Recommendation

That arising from consideration of a report by the Acting City Engineer dated 9th July, 1990, approval be given to :

1. Service on the owners of the lands referred to in Items 1, 5, 6, 8, 9, 10, 11, and 15 of the Schedule attached to the Acting City Engineer's minute, notice of intention to take over the road in accordance with the provisions of Sections 224(3) and 628 of the Local Government Act, 1919, subject to the City Solicitor being satisfied that each Item complies with the requirements of Section 224(3).
2. That Items 4, 7, 12, 13, 14, and 16 of the Schedule attached to the Acting City Engineer's minute, be referred to the City Solicitor for investigation and recommendations; and
3. All relevant documents and plans being executed under the Common Seal of Council or by Council's Attorney.



RECOMMENDATION  
APPROVED



A handwritten signature in cursive script.

JOHN EVERNDEN  
A / CITY ENGINEER (9406)

9th July, 1990

*See decision upheld*



## SCHEDULE (JULY, 1990)

NDJ-0082

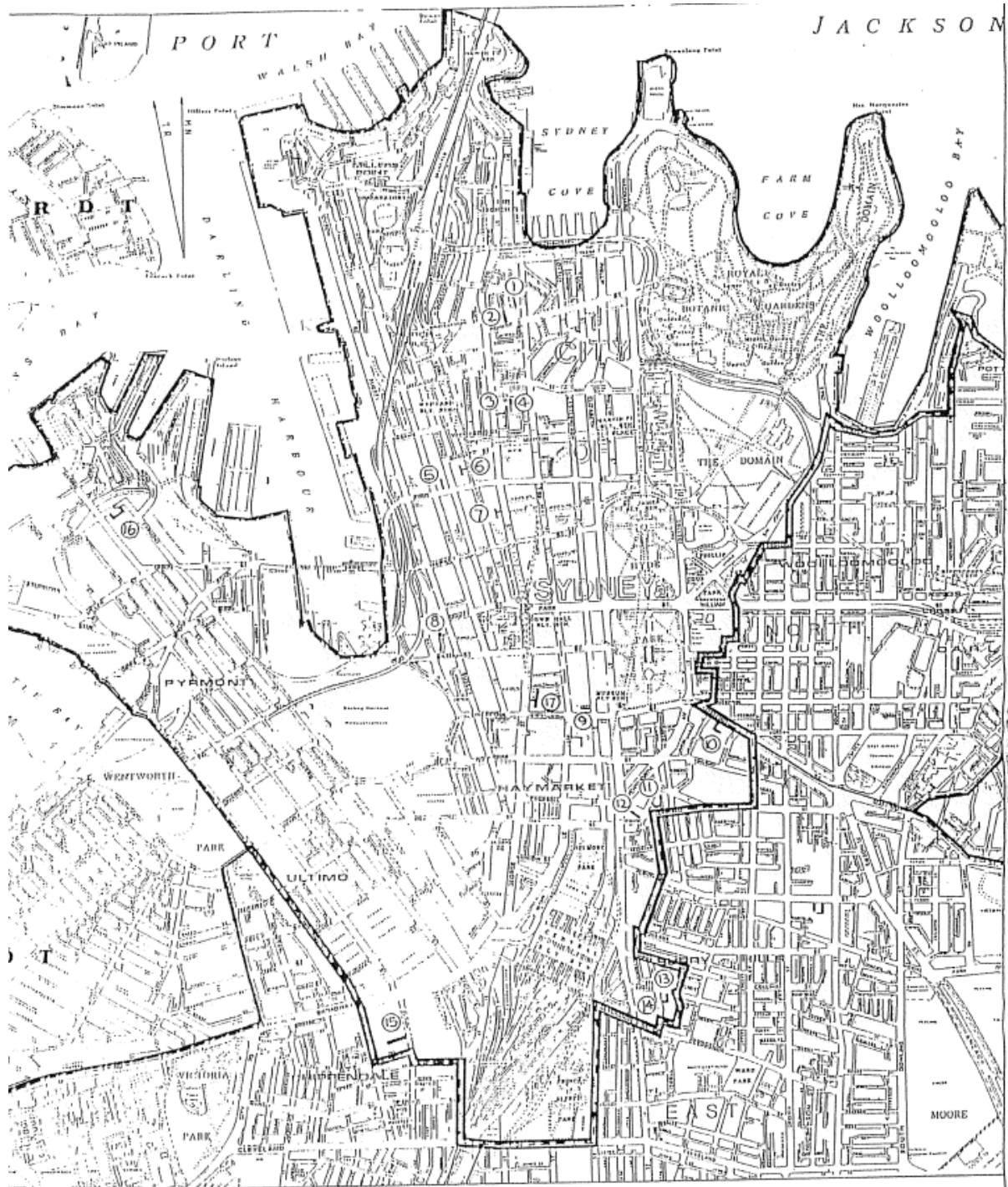
## RESIDUAL LAND WITHIN THE CITY OF SYDNEY THE OWNERS OF WHICH ARE UNTRACEABLE

ITEM	SUBJECT	FILE NO.	PLAN NO.	VALUATION NO.	FIRST RATED	O/S RATES \$	TYPE	STOWN ON MAP	RECOMMENDATION ACTION
1	Queens Court adjoining No.8 Dalley Street rear 49A-57 Pitt Street	S06 01608	S5-543/179	208.4973	1967	27,755	Dead End	1865	Sec. 224(3)
2	Passage between 14&16 Bridge Street.	S06 00140	S5-574/170	208.4972	1960	Not rate-able 1-1-84	Through	1850	Subject to separate action
3	Palings Lane between 338 and 340 George Street.	S06 01610	S5-543/26	-	Not rated	-	Through	1865	Subject of an agreement AMP Soc. & Council
4	Rear of 115 Pitt Street. Part of Tank Stream.	S06 01626	S5-543/181A	208.12449	1969	6,436	Land-locked	-	Refer to City Solicitor for further comment
5	Lane adjoining 40 King St. at rear of 163 to 177 Clarence St. and 304-306 Kent Street.	S06 01611	S5-543/182A	-	Not rated	-	Dead End	1850	Sec. 224(3)
6	Lane between 69 & 71 & at rear of 69 York Street	S06 01127	S5-543/170A	208.77180	Not rated	-	Dead End	1850	Sec. 224(3)
7	Lane between 389 & 391 & at rear of 389-395 George Street	S06 01628	S7C-183/77	208.6845	1959	177,178	Dead End	1865	Refer to City Solicitor for further comment
8	Extension of Sands Street rear 263-265 Sussex Street.	S06 01607	S5-543/180A	-	Not rated	-	Dead End	1865	Sec. 224(3)
9	Cartuthers Place lane between 370 & 372 & at rear of 372-374 Pitt Street.	S06 01301	S5-543/194	208.12548.001	1984	7,864	Dead End	1880	Sec. 224(3)
10	Lane between 29 & 31 and at rear of 31-33 Oxford Street	S06 01629	S5-543/113	208.11789.1	1979	17,000	Dead End	1865	Sec. 224(3)
11	Lane rear of 82-102 Campbell St. between Foster St. and Beutuchamp Lane.	S06 01270	S5-543/175	-	Not rated	-	Through	1865	Sec. 224(3)
12	Passage adjoining 33 Foster St. rear of 71-79 Campbell St.	S06 01609	S5-543/174	-	Not rated	-	Dead End	About 1890	Refer to City Solicitor for further comment
13	Passage between 45&47 Cooper St. at rear 32-44 Holt St.	S06 01630	S5-543/183	208.4294	1954	4,314	Dead End Land-locked	1911	Refer to City Solicitor for further comment
14.	Passage adjacent 32 Holt St. at rear 33-43 Cooper Street	S06 01631	S5-543/184	208.8252	1954	4,282	Dead End	1911	Refer to City Solicitor for further comment

SCHEDULE (JULY 1990)  
RESIDUAL LAND WITHIN THE CITY OF SYDNEY THE OWNERS OF WHICH ARE UNTRACEABLE

ITEM	SUBJECT	FILE NO.	PLAN NO.	VALUATION NO.	FIRST RATED	O/S RATES \$	TYPE	SHOWN ON MAP	RECOMMENDATION ACTION
15	Irving Lane between Carlton St. and Balfour Street	S06 01612	S5-543/176	208.2975.1	1968	5,258	Through	1865	Sec. 224.(3)
16	Passage adjacent 79 & 93 and at rear 79-93 John St. Pyrmont	S06 01627	S5-543/187	208.8591	1961	4,268	Through	1865	Refer to City Solicitor for further comment
17	Passage between 628 & 630 and at rear 614-634 George Street beside Central Police Station.	S06 01667	S5-543/142	208.63184	-	Not rated	Through (Part Dead End)	1865	Subject to separate action





LOCALITY SKETCH

RESIDUAL LANDS WITHIN THE  
CITY OF SYDNEY  
THE OWNERS OF WHICH ARE  
UNKNOWN OR UNTRACEABLE

Apart from the above issues in relation the original DA approval for 370 Pitt Street, the extreme safety issues highlighted above, the loss of light, privacy and amenity is also a major concern. The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street. Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

Based the above, as an affected neighbour who takes safety issues and Council's role in allowing conditions of original development approvals to be met very seriously, I hereby formally object to development proposal D/2024/36.

Yours sincerely



Simon Greig

Owner of Suite 1407/370 Pitt Street, Sydney

Telephone:



Cc: Matthew Hua – Whelan Property Group by email.

**From:** [REDACTED]  
**Sent on:** Tuesday, February 27, 2024 2:25:26 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** WellSmart development 2024.doc (31.5 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Objections to development at 372-374 Pitt St Sydney attached.

Regards,  
Margaret Betty  
Basel Enterprises Pty Ltd

PO Box 1060  
Rozelle NSW 2039  
Telephone: 0450907064  
Email: admin@basent.com.au

**D/2024/36    372-382A Pitt St Sydney NSW 2000**

We write to object to the abovementioned development on the basis of

- Council's previous decisions

Proposed use of Carruthers Lane is inconsistent with council's previous decisions with respect to 370 Pitt St and Carruthers Lane generally. 370 Pitt St was approved and built on the basis of an unobstructed laneway which council subsequently proposed and approved for change to a public road prior to selling the laneway to a private entity.

- Safety

There are two fire stairs onto Carruthers Lane and Carruthers Lane is required for access by Fire Rescue NSW to the fire control room, hydrant and sprinkler boosters as approved by council.

- Ventilation and light

Unobstructed access to Carruthers Lane is required for building ventilation, supply, exhaust and pressurisation intake. Further the scale of the proposed development has a significant impact on light to 370 Pitt St.

Council has not advised owners at 370 Pitt St of changes to ownership of Carruthers Lane or proposals which would impact on its use for safety purposes. In these circumstances we strongly urge council to refuse this application and rectify the situation with regard to unencumbered public access to Carruthers Lane being a condition to any development.

Regards,  
Margaret Betty  
Basel Enterprises Pty Ltd.

**From:** Louis Cox [REDACTED]  
**Sent on:** Tuesday, February 27, 2024 5:10:29 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons  
**Attachments:** 370 Pitt St, Sydney NSW. Objection to Development propa[osal D 2024 36 372 to 382A Pitt St.pdf (404.5 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Sent from my iPhone

**Objections to Development Proposal D/2024/36 – 372-382A Pitt Street**

We have been advised that a development proposal has been submitted for 372- 382A Pitt Street and have a number of significant concerns with the proposal. Those concerns generally relate to:

1. safety (further details below); and
2. loss of amenity and significant loss of light due to the overwhelming and disproportionate scale of the proposed development.

In addition, we are very concerned that Carruthers Place, a public laneway seems, to be incorporated in this development proposal. The existence and ongoing existence of this laneway was a key factor for us in the purchase of and continued ownership of our property in 370 Pitt Street. The existence of the laneway provides substantial light and other amenity to 370 Pitt Street. Any privatisation or change of use of the laneway ought to have been advised to the owners of 370 Pitt Street, so that we could raise our concerns. This has not occurred.

**Safety**

It would appear that the plans submitted by 372- 382A Pitt Street provide for a loading bay, which will have heavy and large vehicle traffic volumes, being located in the Carruthers Place laneway. This laneway contains services that are crucial to the safe operation of 370 Pitt Street and has done so for over 30 years. The services include two fire stairs from 370 Pitt Street discharging to the laneway. In addition, ventilation to building (supply, exhaust and stair pressurisation intake), access to critical fire control room and fire boosters as required by Fire Rescue NSW are from this laneway. It is a public laneway, and the location of crucial services in that laneway was approved by City of Sydney.

We are aware that City of Sydney approved the Building Application for 370 Pitt Street over 30 years (1988) ago and that at the time approval was given, Council knew these safety measures relied on Carruthers Place being available as a public laneway.

It is of serious concern that this space is now earmarked as a private loading dock instead of remaining a public laneway.

The above issues present serious safety issues for 370 Pitt Street, its occupants and our employees. We are very concerned that safety is being compromised, particularly as pedestrians using fire exits will be exiting onto a loading bay used by trucks, other heavy vehicles and cars servicing a very large hotel/apartment complex.

We are also aware that Council records over the years and in more recent times also show a significant awareness by City of Sydney of the existence of services from 370 Pitt Street ie fire exits, fire sprinklers, fire valves and exhaust systems totally reliant on Carruthers Place, a public laneway.

**Loss of light, privacy and amenity**



The proposed development is of a significant scale, with minimal setbacks, and encroachment on to what is a public laneway. It is clear from the application that in its current form, the proposed building will cast a significant and unreasonable shadow over 370 Pitt Street. It will block all natural light on the South side of the building and will result in minimal to no privacy for occupants of either 370 Pitt Street or 372- 382A Pitt Street.

Having regard to the above, we submit that the proposal is inconsistent with the intention of Sydney LEP 2012, particularly in respect of tall buildings.

**Conclusion**

On the basis of the above, as affected neighbours, we object to development proposal **D/2024/36**.

*This will cause major disruption to Shop 14 business.*

Yours sincerely



*Louisa Merry-Henriksen.*

*LGMH PTY LTD*

*Shop 14, 370 Pitt st,  
Sydney, 2000 NSW*

*Directly adjacent to Carruther Place.*

**From:** Warwick Van Ede [REDACTED]  
**Sent on:** Wednesday, February 28, 2024 11:12:31 AM  
**To:** council@cityofsydney.nsw.gov.au  
**Subject:** Attention: Bill MacKay - D/2024/36 - 372-382 Pitt Street, Sydney (JSM 43992)  
**Attachments:** Letter - Bill MacKay.pdf (181.93 KB), Approved Plans showing exists and fire boosters.pdf (1.37 MB)

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Dear Mr Mackay

I act for The Owners – Strata Plan No. 46628 located at 370 Pitt Street, Sydney and now **attach** a submission on behalf of my client in response to your letter dated 30 January 2024.

Yours faithfully

**Warwick van Ede**  
Lawyer | BEc LLM  
Accredited Specialist -  
Property Law  
JS Mueller & Co Lawyers



Level 1, 240 Princes Highway  
Arncliffe NSW 2205

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27 February 2024



Mr Bill MacKay  
Manager, Planning and Assessments  
City of Sydney  
Town Hall House 456 Kent Street  
SYDNEY NSW 2000

Our Ref: WVE:AK:43992

Your Ref: D/2024/36

**By Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)**

Dear Mr MacKay

**RE: SITE ADDRESS – 372-374, 382A, 376, 378, 380, 382, 372B PITT STREET, SYDNEY NSW 2000**

We act for The Owners – Strata Plan No. 46628, located at 370 Pitt Street, Sydney and refer to letter from Council dated 30 January 2024, being a notification of a proposed development D/2024/36 to modify Concept Approval (D/2021/504).

Your letter provided an opportunity to make a submission and this letter serves as the owners corporation's submission which is addressed to various aspects relating to that proposed development, each of which we will deal with separately.

**Use of former Carruthers Place**

The building comprising our strata scheme (SP46628) was designed incorporating features which assumed the existence of Carruthers Place as a public laneway, and the proposal will significantly impede those amenity and safety features which were incorporated into 370 Pitt Street based upon that assumption.

Firstly, and critically, there are fire escape exits the egress for which is to the property formed by Carruthers Place. I am **attaching** a diagram which indicates the proximity of the relevant fire egress points in question.

It is incomprehensible to this strata scheme that approval could be given to a development incorporating the Carruthers Place land which impacts on both primary and secondary fire safety indicators. The primary issue is that the proposed development has the capacity to actually impede egress from the relevant fire egress door in a physical sense.

Indeed, implied threats have been made to the owners corporation in relation to the need for this access point to be restricted (see correspondence **attached**).

The secondary point arises in relation to the safety of persons exiting from that fire egress door and in particular their safety in circumstances where there is likely to be a flow of vehicles and other traffic which may cause a danger to persons exiting 370 Pitt Street from that point. It is incongruous that Council

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would enable and facilitate a safety issue to be brought into existence as part of its planning process for the benefit of the Applicant.

In addition, fire safety infrastructure for 370 Pitt Street is accessed via Carruthers Place including the owners corporation's sprinkler and hydrant systems room. In the owners corporation's submission, it is incumbent upon the Applicant to demonstrate appropriate safety measures not only in relation to persons potentially exiting from the owners corporation's fire egress, but also appropriate and lawful means by which the owners corporation's fire safety systems can be accessed as required.

The current form of the application fails to address these critical issues.

The plans submitted by the applicant provide for a loading bay to be accessed from Carruthers Place, and servicing the development site and ultimately the development. This will mean heavy traffic volumes, consisting of large and bulky vehicles in and through a space which is crucial to the safe operation of 370 Pitt Street, and adjacent to deliveries and services crucial to its operation – services and facilities which have been located in those places for over 30 years.

Indeed, part of the approval originally given for the current building located at 370 Pitt Street by the Council explicitly required the discharge of the two fire ingresses in question into Carruthers Place. I have already dealt with the question of accessing the necessary services.

The application appears to gloss over the critical need for appropriate easements and rights to be registered recognising fire exits, access required for fire hydrants inclusive of the hydrant booster valves and other services. The need for these matters to be explicitly addressed should be detailed in an appropriate Management Plan on which Council should insist being in a satisfactory state before consideration can be given for approval of the proposal.

To do otherwise would potentially place the Council in a most difficult position in the event of any incident arising from the need to utilise the fire exits or other fire services.

#### **Air Light and Ventilation Matters Arising in Relation to Carruthers Place**

Since construction of the building located at 370 Pitt Street, Sydney, The Owners – Strata Plan No. 46628 have enjoyed access to light and air as a result of the location of Carruthers Place.

Indeed, the rear aspect of the building at 370 Pitt Street is significantly reliant upon the air and ventilation provided by the open space in Carruthers Place and immediately adjoining it.

The proposed development will result in a substantial loss of amenity for the owners and occupants at 370 Pitt Street, Sydney. The openness currently enjoyed will be cut off, and this will be particularly significant at the rear of the building.

Whilst it is one matter for the Council to sell the land comprising Carruthers Place, it is entirely another matter to enable that land to facilitate a development which will overshadow, crowd and effectively "suffocate" other buildings, including the building located at 370 Pitt Street, Sydney.

Nowhere in the proposal is there any acknowledgement of the fact that ventilation to the building (supply, exhaust and stair pressurisation intake) access to critical fire control room and boosters, as required by Fire Rescue NSW, are accessed from this laneway.

#### **Matters Arising from Physical Aspects of the Proposed Development**

The issues arising from the proposed development are due to the proposal's:

- location;

- size and bulk; and
- its proposed utilisation of all aspects of the street frontage of Pitt Street, including Carruthers Place.

As such, the proposal is out of scale and context for this site.

It is almost impossible to comprehend how significantly the actual development works will impact on the occupants of 370 Pitt Street, Sydney. Given the nature of the site over which the proposed development is to take place, it is inevitable that the applicant will seek to utilise Carruthers Place as an access point for all aspects of the proposed development, including ingress and egress of demolition-related vehicles and equipment, and ingress and egress of construction related equipment. In part this arises from the proposal to include the street frontage of the balance of buildings fronting Pitt Street and to incorporate them within the development. This will, as a matter of course, restrict the ability of the applicant to access the site other than via Carruthers Place.

As was pointed out earlier in this submission, the frequent accessing of Carruthers Place provides a substantial and significant hazard to owners and occupants of the strata scheme, putting aside the amenity issues which arise from that use.

The impact on amenity of occupants of 370 Pitt Street will be impacted during the construction process even prior to the completion of the proposed development. Such construction will involve the creation of significant pollutants to the air and ventilation systems available to the occupants of 370 Pitt Street, and will involve substantial noise impact as part of both the demolition and construction processes, not only in terms of major percussive equipment and machinery, but also significantly increased heavy vehicle movement, the operation of diesel and other motorised machinery on a daily basis, and the likely interruption to the normal ingress and egress of occupants of 370 Pitt Street, Sydney.

Significant traffic management issues arise from the nature of the proposal, none of which are addressed. The proposal says nothing about the significant issue which will arise in relation to the management of pedestrians, their need to cross Carruthers Place, and at the same time, the use of Carruthers Place as a loading bay and also effectively a service road for a large hotel complex.

#### **Practical Matters Arising from the Proposal**

The proximity of the proposed development site to 370 Pitt Street raises a number of concerns to the owners corporation:

- Soil and groundwork management – there is a very real risk of land slippage and ground displacement occurring during the course of construction and excavation, and/or the potential for the undermining of support to the land on which 370 Pitt Street is located. At the very least, the owners corporation would have expected to be presented with appropriate engineering reports addressing these concerns, and establishing appropriate protocols for their avoidance;

Recent construction events in the wider Sydney area have highlighted the catastrophic consequences to adjoining landowners of poorly planned construction and excavation work, and the owners corporation located at 370 Pitt Street does not wish to be joining other strata schemes as the victims of inappropriately planned development.

- Management and Interruption to Services – the nature of the proposed development will necessarily impact services of various kinds currently available to SP46628. These issues need to be addressed explicitly and prior to the granting of any development approval as the operation of a major commercial building such as this located at 370 Pitt Street cannot be interrupted due to ad-hoc plans to deal with matters of this kind.

The owners corporation has the benefit of various easements relating to such services and the proposed utilisation of Carruthers Place will impact upon these services explicitly. However, the proposal does not seek to deal with these issues in any meaningful way, and the Council needs to address these specifically and carefully.

### **Conclusion**

Broadly, the proposal sets out development which is out of proportion, fails to appropriately deal with very real safety and amenity issues, and completely avoids grappling with potential but very real building and engineering issues.

It is appropriate that the Council require the Applicant to reconsider all of these issues and properly document proposed solutions to them.

The very real risk is that the Council allows a “concept” to go forward in circumstances where that concept cannot reasonably be brought to fruition in a way which properly addresses the real and appropriate concerns of nearby and adjoining landowners and occupants.

Yours faithfully



ACCREDITED SPECIALIST  
PROPERTY LAW

**JS MUELLER & CO**

**Warwick Van Ede | Lawyer**

E: 





**From:** Warwick Van Ede [REDACTED]  
**Sent on:** Wednesday, February 28, 2024 11:17:14 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons (JSM 43992)  
**Attachments:** Letter - Bill MacKay.pdf (181.93 KB), Approved Plans showing exists and fire boosters.pdf (1.37 MB)

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Dear Jessica,

I act for the owners SP46682 located at 370 Pitt Street, Sydney.

Attached is a submission prepared on their behalf in relation to this application.

**Warwick van Ede**  
Lawyer | BEc LLM  
Accredited Specialist -  
Property Law  
JS Mueller & Co Lawyers



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Arncliffe NSW 2205

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27 February 2024



Mr Bill MacKay  
Manager, Planning and Assessments  
City of Sydney  
Town Hall House 456 Kent Street  
SYDNEY NSW 2000

Our Ref: WVE:AK:43992

Your Ref: D/2024/36

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Dear Mr MacKay

**RE: SITE ADDRESS – 372-374, 382A, 376, 378, 380, 382, 372B PITT STREET, SYDNEY NSW 2000**

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Broadly, the proposal sets out development which is out of proportion, fails to appropriately deal with very real safety and amenity issues, and completely avoids grappling with potential but very real building and engineering issues.

It is appropriate that the Council require the Applicant to reconsider all of these issues and properly document proposed solutions to them.

The very real risk is that the Council allows a “concept” to go forward in circumstances where that concept cannot reasonably be brought to fruition in a way which properly addresses the real and appropriate concerns of nearby and adjoining landowners and occupants.

Yours faithfully

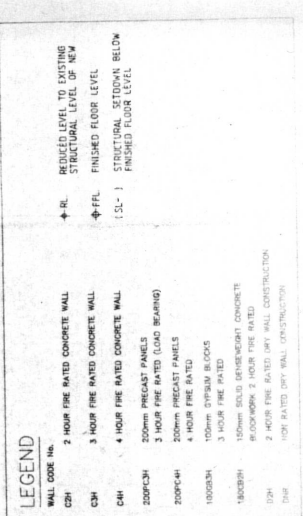
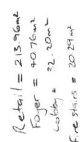


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CONSTRUCTIONS PTY.LTD

Project  
370 PITT ST.  
SYDNEY

Drawing  
GROUND FLOOR  
(PITT ST.)

PLLOT DATE 12.1.89

**From:** Jessica Connellan [REDACTED]  
**Sent on:** Friday, February 23, 2024 12:23:11 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au; council@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 - Attention Jessica Symons [STL-MATTER.FID374197]  
**Attachments:** Letter of Objection - OBJECTION TO AMENDMENT OF CONCEPT DEVELOPMENT APPLICATION TO MODIFY THE CONCEPT APPROVAL D\_2021\_1504 - 23.02.24.pdf (160.68 KB)

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Dear Sir/Madam,

Please see **attached** correspondence sent on behalf of Matthew Shannon.

Kind regards,

**Jessica Connellan**  
Legal Assistant  
**SHAND TAYLOR LAWYERS**  
D [REDACTED] | E [jc@shandtaylor.com.au](mailto:jc@shandtaylor.com.au)

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23 February 2024

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Sydney NSW 2000

Via email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) & [dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

**OBJECTION TO AMENDMENT OF CONCEPT DEVELOPMENT APPLICATION TO MODIFY THE CONCEPT APPROVAL D/2021/1504**

This correspondence is a submission made by:

<b>Name of Submission-maker</b>	Sky's The Limit Enterprises Pty Ltd
<b>Address of Submission-maker</b>	C/- Shand Taylor Lawyers Level 2, 826 Ann Street Fortitude Valley QLD 4006
<b>Electronic Address for Service</b>	<a href="mailto:mshannon@shandtaylor.com.au">mshannon@shandtaylor.com.au</a> <a href="mailto:michael@ferraros.com.au">mailto:michael@ferraros.com.au</a>
<b>Site address of development application</b>	372-374 PITT STREET, SYDNEY NSW 2000 382A PITT STREET, SYDNEY NSW 2000 376 PITT STREET, SYDNEY NSW 2000 378 PITT STREET, SYDNEY NSW 2000 380 PITT STREET, SYDNEY NSW 2000 382 PITT STREET, SYDNEY NSW 2000 372B PITT STREET, SYDNEY NSW 2000

This submission is made to the Council of the City of Sydney (**Council**), being the relevant assessment manager for the Amendment of Concept Development Application D/2024/36.

**Preamble**

Our office has been engaged by Sky's The Limit Enterprises Pty Ltd (the **Submitter**) to prepare this submission regarding the abovementioned development application.

The Submitter is the registered owner of 35/362-370 Pitt Street Sydney (described as Lot 35 on Strata Plan 46628) (**Lot 35**).

At the outset, the Submitter notes that they support well planned development that respects and makes a positive contribution to the planned neighbourhood character of our communities.

Privilege is not waived by mistaken delivery of this confidential communication. If there is a problem with this communication please contact us.

<b>Directors</b> Rod O'Sullivan John Sneddon Matthew Shannon Brad Clark Richard Waring Alex Tuhtan Kimberley Forman Patrick Sherlock Annie Kelly	<b>Consultants</b> John Saunders Terry Bethke  <b>Special Counsel</b> Kaylie Bourke  <b>Senior Associates</b> Ruby Nielsen Charlie Hodgetts Vicky Stott Dean Aitchison	<b>Brisbane Office</b> Level 2, 826 Ann Street Fortitude Valley Qld  GPO Box 2486 Brisbane Qld 4001 <b>T</b> +61 7 3307 4500 <b>F</b> +61 7 3307 4599	<b>Sunshine Coast Office</b> Level 2, 77 Mooloolaba Esplanade Mooloolaba Qld  GPO Box 5 Mooloolaba Qld 4557 <b>T</b> +61 7 5444 3466 <b>F</b> +61 7 5444 2150
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However, the Submitter strongly objects to the proposed development in its current form. The grounds for the objection are as follows:

### 1. Removal of access via Carruthers Place

The documents submitted with the Development Application clearly show that access to Lot 35 will not be maintained as part of this proposal.

The applicant is proposing to develop the Site (and particularly Carruthers Place) without ensuring proper access is maintained to Lot 35 (which is bounded on its remaining three sides by existing buildings). Lot 35 is currently used for car parking and has always had access through Carruthers Place.

If approved in its current form, the proposed development will deny access to Lot 35, which would render Lot 35 landlocked with no practical access and ensure Lot 35 is sterilised from future development.

Further, adjacent sites, including the Sydney Masonic Centre Civic Tower, require fire and vehicular access via Carruthers Place<sup>1</sup>.

The proposed development in its current form ought not to be approved as the proposed development will:

- (a) Constitute a safety hazard as it will block a laneway (Carruthers Place) that is required for fire access from two adjoining buildings, namely the Masonic Centre and 370 Pitt Street;
- (b) Block vehicular and pedestrian access from Lot 35; and
- (c) Alter the appearance of Pitt Street as Carruthers Place (which is recognised as an existing laneway in the DCP<sup>2</sup>) will not be viewed as or be capable of being used as a laneway.

### 2. Environmental effects

The Statement of Environmental Effects accompanying the development application is misleading as it does not recognise part of the site is being used for vehicular and pedestrian access to Lot 35 via Carruthers Place.

The Statement of Environmental Effects notes that *'Restricted access is also provided to the rear of the site for loading and services via a shared vehicular right-of-way to the south from Goulburn Street'*, however, does not consider access to Lot 35 or fire access to adjoining buildings.

### 3. Conflict with Central Sydney DCP 1996

The Central Sydney DCP 1996 states that

- 1. *'Lanes are an integral part of the public space network in Central Sydney'; and*
- 2. *'Lanes separate buildings, maintain Central Sydney's characteristic urban grain and permeability, provide vistas and views through city blocks, and add visual interest to the built environment' and 'Lanes contribute significantly to the variety of pedestrian experience in Central Sydney. They can enrich the urban quality of the city as well as being interesting places for a variety of uses, such as restaurants, cafes and other activities that attract people and provide opportunities for social interaction'.*

The proposed development conflicts with the Central Sydney DCP 1996, particularly clause 3.1 as:

- 1. the capacity for Carruthers Place (as a laneway) to be used for pedestrian and vehicular access will be denied by the proposed development and the appearance of Carruthers Place as a lane will be lost.

<sup>1</sup> The City of Sydney Policy for the Management of Laneways in Central Sydney, page 2 *'Lanes contribute to the pedestrian convenience and amenity of the city, the servicing of city buildings and the appreciation of the heritage of a city by Providing access to buildings for vehicles and pedestrians, particularly for service reasons such as fire egress or access to carparks and loading docks'.*

<sup>2</sup> Please see figure 3.1 'Lanes and Midblock Connections' of Central Sydney DCP 1996.



2. the removal of Carruthers Place will conflict with the objective of the Central Sydney DCP 1996 to retain and develop lanes as useful and interesting pedestrian connections as well as for service access and to maintain Central Sydney's fine urban grain.<sup>3</sup>

#### 4. Inconsistency with the objectives for development within the City Centre Zone

The proposed development is inconsistent with the objectives within the City Centre Zone, particularly as it does not 'protect the fine-grained urban fabric of Central Sydney especially the existing network of streets and lanes, and to provide for high quality development that contributes to the existing urban form'.

#### 5. Impact on easements

The common property in Strata Plan 46628 is benefitted by Easements G319989 and G319990 (the **Easements**).

The Easements burden Lots A and B in Deposited Plan 439950, both of which form part of the Site. The Development Application fails to take into account the rights granted under the Easements, which include rights to access the burdened areas and rights to maintain and reconstruct the sewer pipes contained within the burdened areas.

#### 6. Lower-Level Podium to exceed maximum height of the approved podium envelope

The lower-level podium is proposed to exceed the maximum height of the approved podium envelope as follows:

- Up to RL 32.68 to accommodate the proposed 'landscaped vessel.'
- Up to RL 33.88 to accommodate the balustrade above the 'landscaped vessel'.
- Up to RL 36.48 to accommodate the awning and associated supporting structures above the proposed landscaped vessel (at Level 4).

Although the Statement of Environmental Effects asserts that there will be no additional adverse impacts on environmental amenity as a result of the 'minor increase in street frontage height', the Submitter considers that if Council were to allow the lower-level podium to exceed the maximum height of the approved envelope that the podium will overshadow pedestrians and conflict with City Centre Zone given the proposed development will not enhance the amenity of community places by protecting sun access.

The Submitter also submits that the proximity of the lower-level podium to adjoining buildings will adversely affect the amenity of the spaces inside the neighbouring buildings, the quality of space between the buildings, and visual and acoustic privacy, especially in circumstances where the intended use of the proposed development is a hotel.

The overall effect will result in a crowded feeling for residents of the adjoining buildings and the users of Pitt Street.

#### 7. Conclusion

We consider the Development Application ought not to be approved in its current form as the proposed development must (at a minimum) be modified:

1. to retain Carruthers Place as an existing laneway (to reflect the requirements of the DCP<sup>4</sup>) so that it can be viewed as and be capable of being used as a laneway (including as a useful and interesting pedestrian connection as well as for service access) and to maintain Central

<sup>3</sup> Further, the Submitter notes that Council's policy for the Management of Laneways in Central Sydney states:

- (a) '*Laneways have traditionally served a variety of functions in the city from the provision of off-street vehicular and service access to city buildings to quality secondary pedestrian routes through city blocks*';
- (b) '*Submissions to the Central Sydney Planning Inquiry in August 1992 noted that laneways in the city were being lost and that therefore something of Sydney's unique scale and character had vanished. This observation was linked to a criticism of the practice of site amalgamation which it was said had led to projects of a much larger scale and the construction of "gargantuan" buildings which overwhelmed their neighbours*';

<sup>4</sup> Please see figure 3.1 'Lanes and Midblock Connections' of Central Sydney DCP 1996.

Sydney's fine urban grain (including the existing network of streets and lanes) and the appearance of Pitt Street;

2. to provide an easement for full, free and unimpeded vehicular and pedestrian access to Lot 35 at any time;
3. to ensure fire access remains to two adjoining buildings, namely the Masonic Centre and 370 Pitt Street;
4. to take into account the rights granted under the Easements over the Site; and
5. to reduce the size of the proposed podium to maintain reasonable amenity.

Thank you for your consideration. Please do not hesitate to contact us to discuss this matter.

Yours faithfully

S

**Matthew Shannon**  
**Director**

T

**From:** Matthew Shannon <mshannon@shandtaylor.com.au> on behalf of Matthew Shannon <mshannon@shandtaylor.com.au> <Matthew Shannon <mshannon@shandtaylor.com.au>>  
**Sent on:** Monday, April 22, 2024 1:16:26 PM  
**To:** council@cityofsydney.nsw.gov.au; dasubmissions@cityofsydney.nsw.gov.au  
**CC:** Christian de Blonk Smith <cdeblonksmith@shandtaylor.com.au>  
**Subject:** Submission - D/2024/36 - 372-374 Pitt Street SYDNEY NSW 2000 [STL-MATTER.FID374197]  
**Attachments:** Letter to City of Sydney, Town Hall House - 22.04.2024(100443268.1).pdf (114.67 KB), ASIC Organisation Extract Comprehensive - WELL SMART INVESTMENT HOLDING (SYD) PTY LTD ACN 602 491 985 - 22.04.2024(100443289.1).pdf (330.93 KB), Letter of Objection - OBJECTION TO AMENDMENT OF CONCEPT DEVELOPMENT APPLICATION TO MODIFY THE CONCEPT APPROVAL D\_2021\_1504 - 23.02.24.pdf (160.68 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi,

Further to our submission – **attached**, we provide the **attached** further correspondence in relation to the deregistration of the applicant.

We look forward to receiving your response.

Regards,

**Matthew Shannon**

Director | Property & Commercial

**SHAND TAYLOR LAWYERS**

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**CAUTION ON MONEY TRANSFERS**

**DO NOT** deposit money to an account nominated by us without calling us to verify the account number by telephone

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Please consider the environment before printing.

22 April 2024

City of Sydney  
Town Hall House  
456 Kent Street  
SYDNEY NSW 2000

**By Email:** council@cityofsydney.nsw.gov.au;  
dasubmissions@cityofsydney.nsw.gov.au

Dear Sir/Madam

**OBJECTION TO AMENDMENT OF CONCEPT DEVELOPMENT APPLICATION TO MODIFY THE CONCEPT APPROVAL D/2021/1504 (D/2024/36)**

We confirm we act on behalf of Sky's The Limit Enterprises Pty Ltd (**Submitter**).

On 23 February 2024 we lodged a submission on behalf of the Submitter (**enclosed**) in relation to the proposed amendment of concept development application to modify the concept approval D/2021/1504 (**application**).

It has now been brought to our attention that the Applicant, Well Smart Investment Holding (Syd) Pty Limited is deregistered – see **enclosed** ASIC extract.

On this basis, the application must be immediately rejected as the purported Applicant has no ability to submit the application.

Yours faithfully

**SHAND TAYLOR LAWYERS**



**Matthew Shannon**  
**Director**

**T** 07 3307 4506  
**E** mshannon@shandtaylor.com.au

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Privilege is not waived by mistaken delivery of this confidential communication. If there is a problem with this communication please contact us.

---

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Matthew Shannon  
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Richard Waring  
Alex Tuhtan  
Kimberley Forman  
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Annie Kelly

#100366572v1

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ASIC EXTRACT SNAPSHOT

CURRENT ORGANISATION DETAILS

Date Extracted	22/04/2024	Start Date	14/12/2022
ACN	602 491 985	Name	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD
ABN	87 602 491 985	Name Start Date	23/10/2014
Current Name	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD	Status	Deregistered
Registered In	Victoria	Type	Australian Proprietary Company
Registration Date	23/10/2014	Class	Limited By Shares
Review Date	23/10/2023	Sub Class	Proprietary Company
Company Type	ACN (Australian Company Number)	Disclosing Entity	No
Current Directors	0		
Current Secretaries	0		

Share Structure (Displaying Top 4 Only)

Go to Full ASIC Results

Class	Class Type	Shares Issued	Amount Paid
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(creditor)watch - Credit Score (0)

Go to Full Credit Report



Risk Data Summary

Court Judgments	0	Payment Defaults	0	Insolvency Notices	1	Mercantile Enquiries	0	Credit Enquiries	13
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REVEAL - Company Visualisation

Go to full workspace





**ASIC Data Extracted 22/04/2024 at 11:19**

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## **- 602 491 985 WELL SMART INVESTMENT HOLDING (SYD) PTY LTD -**

<b>ACN (Australian Company Number):</b>	602 491 985	<b>Document No.</b>
<b>ABN:</b>	87 602 491 985	
<b>Current Name:</b>	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD	
<b>Registered in:</b>	Victoria	
<b>Registration Date:</b>	23/10/2014	
<b>Review Date:</b>	23/10/2023	
<b>Company Bounded By:</b>		

## **- Current Organisation Details -**

<b>Name:</b>	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD
<b>Name Start Date:</b>	23/10/2014
<b>Status:</b>	Deregistered
<b>Date Deregistered:</b>	14/12/2022
<b>Reason Deregistered:</b>	SECTION 601AA
<b>Type:</b>	Australian Proprietary Company
<b>Class:</b>	Limited By Shares
<b>Sub Class:</b>	Proprietary Company

## **- Company Addresses -**

## **- Company Officers -**

### **Note:**

A date or address shown as UNKNOWN has not been updated since ASIC took over the records in 1991. For details, order the appropriate historical state or territory documents, available in microfiche or paper format.

\* Check documents listed under ASIC Documents Received for recent changes.

## **- Share Structure -**

### **\*Note:**

Share details are not provided if:

(a) The company is not limited by shares; or

(b) The company has been registered less than 18 months and the first Annual Return has not been lodged. Check ASIC Documents section for recent changes. Documents pertaining to Shares may be ordered via DOCIMAGE.

## **- Share/Interest Holding -**

## - External Administration Documents -

There are no external administration documents held for this organisation.

## - Charges -

There are no charges held for this organisation.

### Notes:

On 30 January 2012, the Personal Property Securities Register (PPS Register) commenced.

At that time ASIC transferred all details of current charges to the PPS Registrar.

ASIC can only provide details of satisfied charges prior to that date.

Details of current charges, or charge satisfied since 30 January 2012 can be found on the PPS Register, [www.ppsr.gov.au](http://www.ppsr.gov.au).

InfoTrack may cap documents for on-file searches to 250.

## - Document List -

### Notes:

\* Documents already listed under Registered Charges are not repeated here.

\* Data from Documents with no Date Processed are not included in this Extract.

\* Documents with '0' pages have not yet been imaged and are not available via DOCIMAGE. Imaging takes approximately 2 weeks from date of lodgement.

\* The document list for a current/historical extract will be limited unless you requested ALL documents for this extract.

\* In certain circumstances documents may be capped at 250.

Form Type	Date Received	Date Processed	No. Pages	Effective Date	Document No.
6010	07/10/2022	07/10/2022	2	07/10/2022	7EBX15186
6010	Application For Voluntary Deregistration of a Company				
484	24/08/2021	24/08/2021	2	24/08/2021	7EBK70910
484	Change to Company Details				
484O	Changes to Share Structure				
484I	Notification of Share Cancellation - Capital Reduction				
484N	Changes to (Members) Share Holdings				
484	14/07/2021	14/07/2021	2	14/07/2021	7EBJ44917
484A2	Change to Company Details Change Member Name or Address				
484	07/11/2020	07/11/2020	2	07/11/2020	7EBC04895
484N	Change to Company Details Changes to (Members) Share Holdings				
484	29/01/2019	29/01/2019	2	29/01/2019	7EAI09376
484E	Change to Company Details Appointment or Cessation of A Company Officeholder				
484	13/02/2018	13/02/2018	2	13/02/2018	7E9899292
484	Change to Company Details				
484O	Changes to Share Structure				

484G	Notification of Share Issue				
484N	Changes to (Members) Share Holdings				
484	08/12/2017	08/12/2017	2	08/12/2017	7E9726969
484	Change to Company Details				
484O	Changes to Share Structure				
484G	Notification of Share Issue				
484N	Changes to (Members) Share Holdings				
384	27/09/2017	03/10/2017	1	27/09/2017	030127996
384	Notification of Resol. By Directors of a Small Pty Company Controlled By a Foreign Coy Which Is Not Part of Large Group				
484	04/04/2017	04/04/2017	2	04/04/2017	7E8939410
484	Change to Company Details				
484A1	Change Officeholder Name or Address				
484A2	Change Member Name or Address				
484	03/04/2017	03/04/2017	2	03/04/2017	7E8936065
484A1	Change to Company Details Change Officeholder Name Or Address				
384	15/09/2016	16/09/2016	1	15/09/2016	029737294
384	Notification of Resol. By Directors of a Small Pty Company Controlled By a Foreign Coy Which Is Not Part of Large Group				
484	01/02/2016	01/02/2016	2	01/02/2016	7E7657489
484E	Change to Company Details Appointment or Cessation of A Company Officeholder				
384	14/09/2015	30/09/2015	2	14/09/2015	029397519
384	Notification of Resol. By Directors of a Small Pty Company Controlled By a Foreign Coy Which Is Not Part of Large Group				
484	03/03/2015	03/03/2015	2	03/03/2015	7E6765220
484N	Change to Company Details Changes to (Members) Share Holdings				
484	04/12/2014	04/12/2014	2	04/12/2014	7E6573324
484	Change to Company Details				
484B	Change of Registered Address				
484C	Change of Principal Place of Business (Address)				
201	23/10/2014	23/10/2014	3	23/10/2014	2E1129910
201C	Application For Registration as a Proprietary Company				

## - Company Contact Addresses -

\*\*\* End of Document \*\*\*


# (creditor)watch

Credit Report

<b>Name</b>	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD
<b>ABN</b>	87602491985
<b>ACN</b>	602491985
<b>Document Type</b>	Credit Report
<b>Report Generated</b>	22-04-2024 at 11:19
<b>ASIC Extract</b>	Not Included
<b>ASIC Extract Status</b>	Not Included

<b>Credit Report</b>	✓ Included
<b>RiskScore</b>	✓ Included
<b>Payment Rating</b>	✗ Not Included
<b>CW Bankruptcy Check (PIRS)</b>	✗ Not Included
<b>ASIC Data (On File)</b>	✗ Not Included
<b>ASIC Current Extract</b>	✗ Not Included
<b>ASIC Current &amp; Historical</b>	✗ Not Included
<b>PPSR ACN</b>	✗ Not Included
<b>PPSR ABN</b>	✗ Not Included
<b>PPSR Business Name</b>	✗ Not Included
<b>Append Docs Lodged</b>	✓ Included
<b>Append Business Names</b>	✓ Included
<b>Append Credit Enquiries</b>	✓ Included


Summary




**F / 0**  
Default Risk

**13**


Credit Enquiries




Deregistered



No Registered Defaults




No Court Actions




No Mercantile Enquiries

**1**

ASIC Published Notices



No Critical ASIC Documents



Important Cross Directorships Not Available

Adverse

Risk Data Detected - Review Required		
Risk Category	Risk Level	Risk Overview
ASIC Published Notice	High	There are ASIC published notices connected to this company
Australian Business Registry	High	Business entity is cancelled. An ABR status of cancelled means the business may have ceased trading.
ASIC Status	High	The company is deregistered



## ABR Data

<b>Main Name</b>	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD
<b>ABN</b>	87 602 491 985
<b>Registered Date</b>	23-10-2014
<b>Entity Status</b>	Cancelled (from 07-10-2022)
<b>Entity Type</b>	Australian Private Company
<b>GST Status</b>	Not currently registered for GST
<b>Main Physical Address</b>	VIC 3101 (from 01-02-2016)
<b>ABN Last Updated</b>	07-10-2022

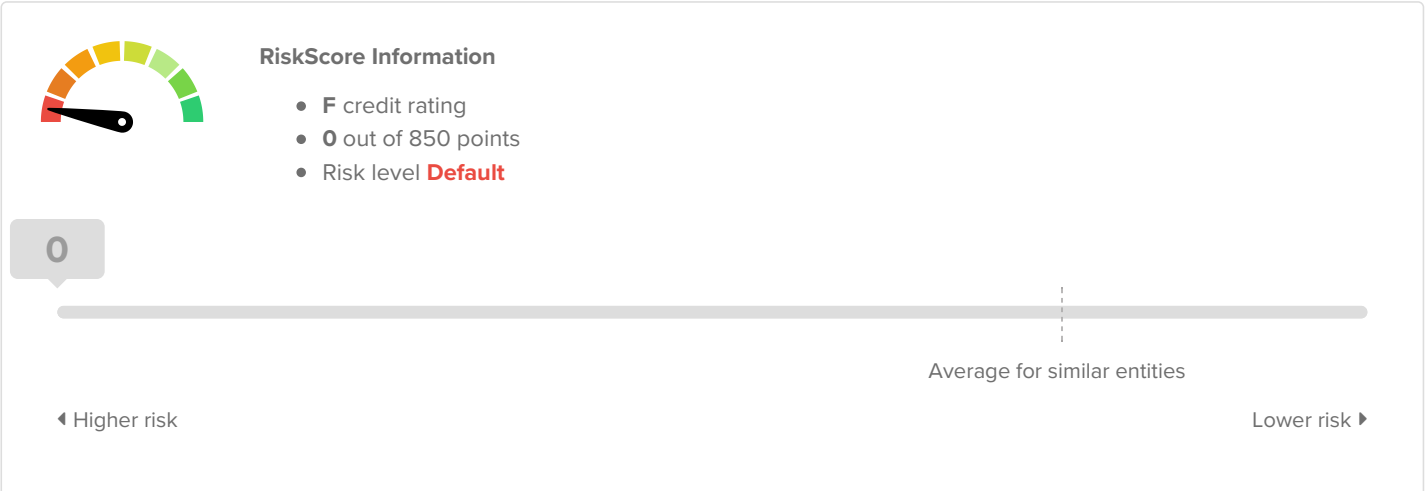
## ASIC Data

<b>Name</b>	WELL SMART INVESTMENT HOLDING (SYD) PTY LTD
<b>ACN</b>	602 491 985
<b>Registered Date</b>	23-10-2014
<b>Deregistered Date</b>	14-12-2022
<b>Next Review Date</b>	23-10-2023
<b>Status</b>	Deregistered
<b>Company Type</b>	Australian Proprietary Company
<b>Class</b>	Limited By Shares
<b>Subclass</b>	Proprietary Company
<b>Locality</b>	Not Available
<b>Regulator</b>	Australian Securities & Investments Commission

Industry

<b>ANZSIC Classification</b>	Financial and Insurance Services Finance Financial Asset Investing Financial Asset Investing
<b>NACE Classification</b>	Activities of holding companies Trusts, funds and similar financial entities Other financial service activities, except insurance and pension funding n.e.c.

RiskScore

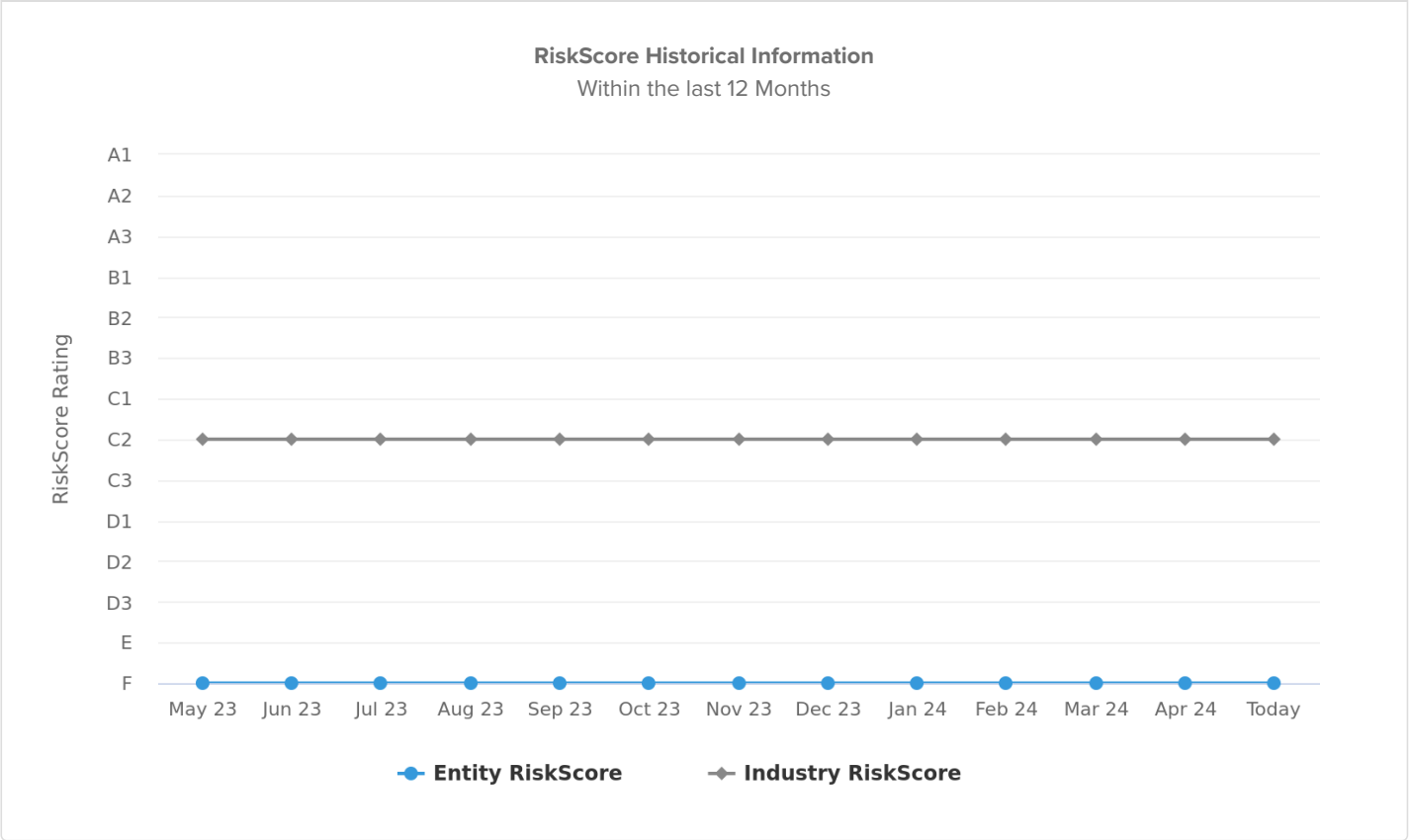


**F**  
Rating

**RiskScore advice for the F Range**

Entity has become insolvent or does not have the ability to trade

Entity has a **100% chance of default** within the next 12 months.



The CreditorWatch RiskScore is the most advanced algorithm in the market and is designed to ensure you make the right decision. The RiskScore has been developed using the latest machine learning techniques in combination with CreditorWatch’s extensive data. The CreditorWatch RiskScore should be used in partnership with your internal credit procedures and policies.

What is “probability of default”?

This is the likelihood that an entity will NOT be able to meet their financial commitments in the next 12 months eg: pay an invoice.

## Score Recommendations

RiskScore Rating	Risk Level	Recommendation
A1, A2, A3	Very Low	Very strong credit quality based on behavioural and business demographics. Likelihood of default or insolvency is considered very low. Extend terms within consideration.
B1, B2	Low	Strong credit quality based on behavioural and business demographics. Likelihood of default or insolvency is considered very low. Extend terms within consideration.
B3, C1	Neutral	Lower than average default risk for an Australian business. Business demographics and behaviours indicative of low likelihood of default or insolvency in the short to medium term. Extend terms and monitor ongoing payment behaviour.
C2	Acceptable	Average default risk for an Australian business. Standard underwriting criteria and due diligence recommended prior to extending credit. Extend terms, closely monitor ongoing payment behaviour.
C3	Potential Risk	Behaviours and business demographics may indicate increased risk for some businesses in this group. Assessment of the entity's financial position and cashflow is recommended prior to extending material unsecured credit.
D1, D2, D3	High	Risk of default or insolvency is significantly higher than the average for Australian businesses. COD trading highly recommended.
E	Impaired	Entity is highly vulnerable to default or insolvency in the short term.
F	Defaulted	One or more creditors has initiated legal proceedings or other significant actions in response to unpaid debt obligations, or the entity is entering or has entered insolvency.

**i** Please note that the rating and recommendation should be used in partnership with your company's internal credit procedures and policies. The rating should not be used as the sole reason in making decision about the entity.

## Credit Enquiries



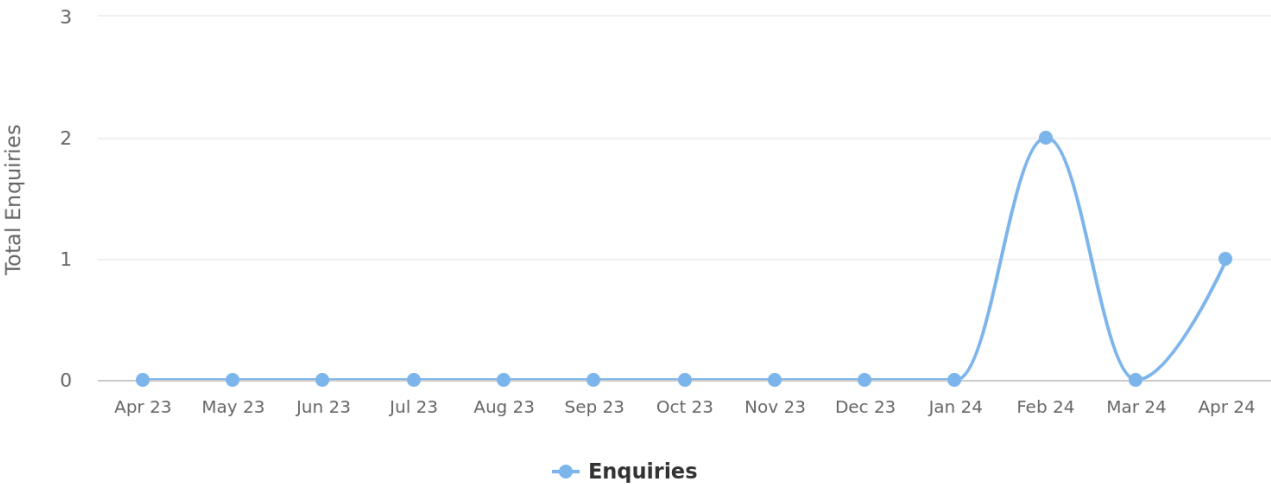
**13**  
Last 5 Years



**3**  
Last 12 Months

### Credit Enquiries

Within the last 12 Months



## Enquiries Ordered by Industry

Industry (ANZSIC Division)	No of Enquiries
Information Media and Telecommunications (J)	2
Professional, Scientific and Technical Services (M)	1
Total Enquiries (within the last 12 months)	3



## Enquiries Ordered by Date

Industry (ANZSIC Division)	Date
Information Media and Telecommunications (J)	22-04-2024
Information Media and Telecommunications (J)	29-02-2024
Professional, Scientific and Technical Services (M)	20-02-2024



**i** Credit enquiries provide an indication of the number of times an entity's credit file has been accessed. For credit enquiries performed in the last 12 months, the date of the enquiry and the industry of the business, sole trader or individual performing the credit enquiry is detailed in the graph and table.

# Risk Data



## Court Actions

Court Details	Plaintiff	Action	Nature of the Claim	Amount
<div></div> <div>No Court Actions</div>				
<div><div></div><div>CreditorWatch aggregate data from courts around Australia to provide a summary of court actions against an entity. When available, details of the action include location, case number, state, plaintiff, nature of the claim, action type and dollar amount.</div></div>				

## Payment Defaults


Added	Invoice Due	Submitted By	Amount	Status
<div></div> <div>No Payment Defaults Lodged</div>				
<div><div></div><div>A default indicates that the debtor has failed to make a payment for goods or services. Payment Defaults are unique to CreditorWatch and can have one of three statuses: outstanding, partial payment or settled.</div></div>				

## Tax Defaults

Date Added	Date Updated	Submitted By	Status	Amount
<div></div> <div>No Tax Defaults Lodged</div>				
<div><div></div><div>A tax default indicates that a business has overdue tax payments and has failed to respond to a notice of disclosure by The Australian Taxation Office (ATO). Tax defaults are only lodged on debts that are over 90 days overdue and are over a value of \$100,000.</div></div>				



Mercantile Enquiries

Enquiry Date	Mercantile Agent
<div></div> <div>No Mercantile Enquiries Lodged</div>	

**i** A Mercantile enquiry is an indication that a mercantile agency (or debt collection agency) has conducted an enquiry on this entity for the purpose of debt collection.

# Status Changes

## ASIC Entity Status Changes

Change Date	ASIC Status
14-12-2022	Deregistered (Current status)
07-10-2022	Strike-Off Action In Progress
23-10-2014	Registered

- i** The most common ASIC entity statuses are: registered, deregistered, external administration and strike-off action in progress. This section identifies if there have any been changes to the status of the entity's ACN, and the date the changes have occurred.

## ABR Entity Status Changes

Change Date	ABR Status
23-10-2014	Active (Current status)
07-10-2022	Cancelled

- i** An ABN can either have an ABR entity status of active or cancelled. This section identifies if there have been any changes to the status of the entity's ABN, and the date the changes have occurred.

## GST Status Changes

Change Date	GST Status
30-09-2022	Not Registered for GST (Current status)
23-10-2014	Registered for GST

- i** An ABN can either be registered for GST, or not currently registered for GST. This section identifies if there have been any changes to the entity's GST registration, and the date the changes have occurred.

# Business Names

## Registered Business Index

Business Name	Status	Registered Number	Address
There are no business name extracts registered to this company			

## Registered Business Names

Name	Business Name Type	Source
WELL SMART INVESTMENT HOLDING (SYD) PTY LTD	Main Name	ABR

**i** Business names are derived from two data sources, one of which is basic information provided by ABR. The other comes from the business names extract index which, when available, includes the owner of the business name and registered business address.

# Appendix

## Disclaimer

CreditorWatch is committed to ensuring that the information provided is accurate and comprehensive however due to data being received from sources not controlled by CreditorWatch we cannot guarantee that it is complete, verified or free of errors. To the extent permitted by law, CreditorWatch will not be held responsible for any errors or omissions therein concerning the information sourced and published in its publications, websites, API or emails.



# Well S m a r t I n v e s t m e n t H o l d i n g ( s y d ) P t y L t d

23 February 2024

City of Sydney  
Town Hall House  
456 Kent Street  
Sydney NSW 2000

Via email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) & [dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

**OBJECTION TO AMENDMENT OF CONCEPT DEVELOPMENT APPLICATION TO MODIFY THE CONCEPT APPROVAL D/2021/1504**

This correspondence is a submission made by:

<b>Name of Submission-maker</b>	Sky's The Limit Enterprises Pty Ltd
<b>Address of Submission-maker</b>	C/- Shand Taylor Lawyers Level 2, 826 Ann Street Fortitude Valley QLD 4006
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<b>Site address of development application</b>	372-374 PITT STREET, SYDNEY NSW 2000 382A PITT STREET, SYDNEY NSW 2000 376 PITT STREET, SYDNEY NSW 2000 378 PITT STREET, SYDNEY NSW 2000 380 PITT STREET, SYDNEY NSW 2000 382 PITT STREET, SYDNEY NSW 2000 372B PITT STREET, SYDNEY NSW 2000

This submission is made to the Council of the City of Sydney (**Council**), being the relevant assessment manager for the Amendment of Concept Development Application D/2024/36.

**Preamble**

Our office has been engaged by Sky's The Limit Enterprises Pty Ltd (the **Submitter**) to prepare this submission regarding the abovementioned development application.

The Submitter is the registered owner of 35/362-370 Pitt Street Sydney (described as Lot 35 on Strata Plan 46628) (**Lot 35**).

At the outset, the Submitter notes that they support well planned development that respects and makes a positive contribution to the planned neighbourhood character of our communities.

Privilege is not waived by mistaken delivery of this confidential communication. If there is a problem with this communication please contact us.

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However, the Submitter strongly objects to the proposed development in its current form. The grounds for the objection are as follows:

### 1. Removal of access via Carruthers Place

The documents submitted with the Development Application clearly show that access to Lot 35 will not be maintained as part of this proposal.

The applicant is proposing to develop the Site (and particularly Carruthers Place) without ensuring proper access is maintained to Lot 35 (which is bounded on its remaining three sides by existing buildings). Lot 35 is currently used for car parking and has always had access through Carruthers Place.

If approved in its current form, the proposed development will deny access to Lot 35, which would render Lot 35 landlocked with no practical access and ensure Lot 35 is sterilised from future development.

Further, adjacent sites, including the Sydney Masonic Centre Civic Tower, require fire and vehicular access via Carruthers Place<sup>1</sup>.

The proposed development in its current form ought not to be approved as the proposed development will:

- (a) Constitute a safety hazard as it will block a laneway (Carruthers Place) that is required for fire access from two adjoining buildings, namely the Masonic Centre and 370 Pitt Street;
- (b) Block vehicular and pedestrian access from Lot 35; and
- (c) Alter the appearance of Pitt Street as Carruthers Place (which is recognised as an existing laneway in the DCP<sup>2</sup>) will not be viewed as or be capable of being used as a laneway.

### 2. Environmental effects

The Statement of Environmental Effects accompanying the development application is misleading as it does not recognise part of the site is being used for vehicular and pedestrian access to Lot 35 via Carruthers Place.

The Statement of Environmental Effects notes that *'Restricted access is also provided to the rear of the site for loading and services via a shared vehicular right-of-way to the south from Goulburn Street'*, however, does not consider access to Lot 35 or fire access to adjoining buildings.

### 3. Conflict with Central Sydney DCP 1996

The Central Sydney DCP 1996 states that

- 1. *'Lanes are an integral part of the public space network in Central Sydney'; and*
- 2. *'Lanes separate buildings, maintain Central Sydney's characteristic urban grain and permeability, provide vistas and views through city blocks, and add visual interest to the built environment' and 'Lanes contribute significantly to the variety of pedestrian experience in Central Sydney. They can enrich the urban quality of the city as well as being interesting places for a variety of uses, such as restaurants, cafes and other activities that attract people and provide opportunities for social interaction'.*

The proposed development conflicts with the Central Sydney DCP 1996, particularly clause 3.1 as:

- 1. the capacity for Carruthers Place (as a laneway) to be used for pedestrian and vehicular access will be denied by the proposed development and the appearance of Carruthers Place as a lane will be lost.

<sup>1</sup> The City of Sydney Policy for the Management of Laneways in Central Sydney, page 2 *'Lanes contribute to the pedestrian convenience and amenity of the city, the servicing of city buildings and the appreciation of the heritage of a city by Providing access to buildings for vehicles and pedestrians, particularly for service reasons such as ingress or access to carparks and loading docks'.*

<sup>2</sup> Please see figure 3.1 'Lanes and Midblock Connections' of Central Sydney DCP 1996.

2. the removal of Carruthers Place will conflict with the objective of the Central Sydney DCP 1996 to retain and develop lanes as useful and interesting pedestrian connections as well as for service access and to maintain Central Sydney's fine urban grain.<sup>3</sup>

#### 4. Inconsistency with the objectives for development within the City Centre Zone

The proposed development is inconsistent with the objectives within the City Centre Zone, particularly as it does not 'protect the fine-grained urban fabric of Central Sydney especially the existing network of streets and lanes, and to provide for high quality development that contributes to the existing urban form'.

#### 5. Impact on easements

The common property in Strata Plan 46628 is benefitted by Easements G319989 and G319990 (the **Easements**).

The Easements burden Lots A and B in Deposited Plan 439950, both of which form part of the Site. The Development Application fails to take into account the rights granted under the Easements, which include rights to access the burdened areas and rights to maintain and reconstruct the sewer pipes contained within the burdened areas.

#### 6. Lower-Level Podium to exceed maximum height of the approved podium envelope

The lower-level podium is proposed to exceed the maximum height of the approved podium envelope as follows:

- Up to RL 32.68 to accommodate the proposed 'landscaped vessel.'
- Up to RL 33.88 to accommodate the balustrade above the 'landscaped vessel'.
- Up to RL 36.48 to accommodate the awning and associated supporting structures above the proposed landscaped vessel (at Level 4).

Although the Statement of Environmental Effects asserts that there will be no additional adverse impacts on environmental amenity as a result of the 'minor increase in street frontage height', the Submitter considers that if Council were to allow the lower-level podium to exceed the maximum height of the approved envelope that the podium will overshadow pedestrians and conflict with City Centre Zone given the proposed development will not enhance the amenity of community places by protecting sun access.

The Submitter also submits that the proximity of the lower-level podium to adjoining buildings will adversely affect the amenity of the spaces inside the neighbouring buildings, the quality of space between the buildings, and visual and acoustic privacy, especially in circumstances where the intended use of the proposed development is a hotel.

The overall effect will result in a crowded feeling for residents of the adjoining buildings and the users of Pitt Street.

#### 7. Conclusion

We consider the Development Application ought not to be approved in its current form as the proposed development must (at a minimum) be modified:

1. to retain Carruthers Place as an existing laneway (to reflect the requirements of the DCP<sup>4</sup>) so that it can be viewed as and be capable of being used as a laneway (including as a useful and interesting pedestrian connection as well as for service access) and to maintain Central

<sup>3</sup> Further, the Submitter notes that Council's policy for the Management of Laneways in Central Sydney states:

- (a) *'Laneways have traditionally served a variety of functions in the city from the provision of off-street vehicular and service access to city buildings to quality secondary pedestrian routes through city blocks';*
- (b) *'Submissions to the Central Sydney Planning Inquiry in August 1992 noted that laneways in the city were being lost and that therefore something of Sydney's unique scale and character had vanished. This observation was linked to a criticism of the practice of site amalgamation which it was said had led to projects of a much larger scale and the construction of "gargantuan" buildings which overwhelmed their neighbours';*

<sup>4</sup> Please see figure 3.1 'Lanes and Midblock Connections' of Central Sydney DCP 1996.

Sydney's fine urban grain (including the existing network of streets and lanes) and the appearance of Pitt Street;

2. to provide an easement for full, free and unimpeded vehicular and pedestrian access to Lot 35 at any time;
3. to ensure fire access remains to two adjoining buildings, namely the Masonic Centre and 370 Pitt Street;
4. to take into account the rights granted under the Easements over the Site; and
5. to reduce the size of the proposed podium to maintain reasonable amenity.

Thank you for your consideration. Please do not hesitate to contact us to discuss this matter.

Yours faithfully

**SHAND TAYLOR LAWYERS**



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