

Resolution of Central Sydney Planning Committee

19 June 2025

Item 8

Section 4.55 Application: 93-97 Macquarie Street, Sydney - D/2017/1609/A

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

It is resolved that consent be granted to Section 4.55 Application Number D/2017/1609/A subject to the amendment of the following conditions (with additions shown in ***bold italics*** and deletions shown in ~~strike through~~), as follows:

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/1224 dated 20 November 2017 ***as amended by D/2017/1609/A*** and the following drawings prepared by ***BVN Kann Finch***:

Drawing Number	Drawing Name	Date
<i>S4.55 010 (X)</i>	<i>3D – Concept DA Envelope</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-02</i>	<i>General Arrangement Plan – Level B1</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-03</i>	<i>General Arrangement Plan – Level 00</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-04</i>	<i>General Arrangement Plan – Level 01</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-05</i>	<i>General Arrangement Plan – Level 02</i>	<i>21 November 2023</i>

Drawing Number	Drawing Name	Date
AR-DA- M-10B-06	General Arrangement Plan – Level 03-06	21 November 2023
AR-DA- M-10B-07	General Arrangement Plan – Level 07	21 November 2023
AR-DA- M-10B-08	General Arrangement Plan – Level 08-15	21 November 2023
AR-DA- M-10B-09	General Arrangement Plan – Level 16	21 November 2023
AR-DA- M-10B-01	General Arrangement Plan – Roof	21 November 2023
AR-DA- M-10D-01	Section	21 November 2023
AR-DA- M-10C-01	Elevations East and North	21 November 2023
AR-DA- M-10C-02	Elevations West and South	21 November 2023
02	Massing Diagrams	9 November 2018
03	Plan – Site Context	9 November 2018
04	Plan – Basement 01	9 November 2018
05	Plan – Ground Level	9 November 2018
06	Plan – Level 01	9 November 2018
07	Plan – Level 02	9 November 2018

Drawing Number	Drawing Name	Date
08	Plan – Levels 03-05	9 November 2018
09	Plan – Levels 06-15	9 November 2018
10	Section 01	9 November 2018
12	Street Elevations – Macquarie St Elevation & Albert St Elevation	9 November 2018
13	Street Elevations – Western Boundary Elevation & Southern Boundary Elevation	9 November 2018

and as amended by the conditions of this consent.

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

Amended – D/2017/1609/A – 19 June 2025

(7) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

- (a) The podium must be designed to be visually recessive and complementary to the adjoining heritage fabric.
- (b) The western facing facade must present as a 'quiet' facade and not be visually competitive as a backdrop to the adjoining Justice and Police Museum at 4 Phillip Street, Sydney.
- (c) The tower form must be simple in design, ~~avoiding cantilevers over the ground floor communal courtyard.~~
- (d) A considered use of a mix of materials (dark face-brick and sandstone) is to be employed for the Macquarie Street and Albert Street facades to podium level of the new building to integrate with the character and materials of surrounding heritage buildings.
- ~~(e) The south, north and east elevations of the Macquarie Street podium should be substantially glazed at their lower levels (e.g. two floor levels) to allow for views from Macquarie Street through the new residential building to the northern elevation of Transport House and to the (proposed) newly~~

~~restored and reconstructed southern elevations of the former Health Department Building.~~

- (f) The design of the ground floor courtyard between the new building the former Health Department Building must facilitate the provision of compliant access and the adaptive reuse of the former Health Department Building. The courtyard is to be considered as being within the heritage listing curtilage of the former Health Department Building.
- (g) The roof terraces to the Macquarie Street and Albert Street podiums are to include an increased non-trafficable setback to ensure that views of ancillary and temporary structures (e.g. umbrellas, shade structures, landscaping and the like) are not visible when viewed from the street levels of Macquarie Street and Albert Street.
- (h) Communal open space or communal spaces must be provided within the development in accordance with Part 3D of the Apartment Design Guide for the exclusive use of apartment residents, and which is not to be co-located or co-mingled with other uses.
- (i) Plant and lift overruns must be incorporated into the roof form of buildings and either provided within architectural roof features, as defined in the Dictionary of the Sydney Local Environmental Plan 2012, or located and provided with parapet screening so that they are not visible from the public domain or adjoining tower developments.
- (j) An acoustic brief must accompany the competitive design process brief and be prepared by a suitably qualified acoustic consultant. The brief is to provide design recommendations to allow apartments to achieve both natural ventilation compliance and acoustic compliance in accordance with the provisions of the Apartment Design Guide and Sydney Development Control Plan 2012. The brief must establish the decibel reductions required at each frontage of the building and make design recommendations based on these findings.

Amended – D/2017/1609/A – 19 June 2025

(9) RESIDENTIAL LAND USE

- (a) The Detailed Design Development Application must be designed to meet the principles of 'State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development', the guidelines of the Apartment Design Guide (ADG), and the provisions of the Sydney Development Control Plan 2012.
- (b) The floor to floor and floor to ceiling height controls in Section 4.2.1.2 of the Sydney Development Control Plan 2012 and the Apartment Design Guide.
- ~~(c) The development shall be designed to be compliant with the dwelling mix requirements of Section 4.2.3.12 of the Sydney Development Control Plan 2012.~~
- (d) The development shall be provided with an area/s of communal open space in accordance with the requirements of the Apartment Design Guide and Sydney Development Control Plan 2012.

- (e) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Detailed Design Development Application.

Amended – D/2017/1609/A – 19 June 2025

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.
- (B) The proposed modifications ensure the detailed design development application is consistent with the concept approval, in order to satisfy Section 4.24 of the Environment Planning and Assessment Act 1979.
- (C) The proposal is consistent with the aims, objectives, and relevant provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 for the reasons set out in the report.
- (D) The modified building envelope can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The changes to the approved building envelope are in keeping with the desired future character of the area. The changes are reasonable and justified with regard to the concurrent detailed design development application D/2024/324.
- (F) The changes to the approved building envelope are appropriate and are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (G) The development, as modified, is in the public interest.

Carried unanimously.

D/2017/1609/A