

Central Sydney Planning Committee

Meeting No 503

Thursday 19 June 2025

Notice Date 13 June 2025

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore AO (Chair), Councillor Jess Miller, Deputy Lord Mayor - Councillor Zann Maxwell, Ms Abbie Galvin (Deputy Chair), Mr David Gainsford, Mr Sean O'Toole and Ms Sue Weatherley.

At the commencement of business at 5:01pm, those present were:

The Lord Mayor, Councillor Miller, Councillor Maxwell, Ms Galvin, Mr Gainsford, Mr O'Toole and Ms Weatherley.

The Chief Planner / Executive Director City Planning, Heritage and Development was also present.

The Lord Mayor left the meeting of the Central Sydney Planning Committee at 5:49pm, prior to discussion on Item 12 and returned at 5:57pm, after the vote on Item 12. The Lord Mayor was not present at, nor in sight of, the meeting of the Central Sydney Planning Committee during discussion and voting on Item 12.

Following the departure of the Lord Mayor, the Deputy Chair (Abbie Galvin) chaired the meeting for Item 12.

Carried unanimously.

Acknowledgement of Country

The Chair (the Lord Mayor) opened the meeting with an acknowledgement of country.

Webcasting Statement

The Chair (the Lord Mayor) advised that in accordance with the City of Sydney Code of Meeting Practice, Central Sydney Planning Committee meetings are audio-visually recorded and webcast live on the City of Sydney website.

Item 1 Disclosures of Interest

The Lord Mayor (Councillor Clover Moore AO) disclosed a significant interest in Item 12, Development Application: 923-935 Bourke Street, Waterloo – D/2024/1208, in that her husband owns shares in Woolworths Group, which is the landowner for the site of this development application.

The Lord Mayor advised that she would not participate in the debate or vote for Item 12.

The Lord Mayor (Councillor Clover Moore AO) disclosed a less than significant non-pecuniary interest in Item 16 – Post Exhibition – Planning Proposal – Sydney Local Environmental Plan and Development Control Plan – Policy and Housekeeping Amendments (LEP/DCP Update), in that she owns property within the Local Government Area that is the subject of this Planning Proposal.

The Lord Mayor considers that this non-pecuniary interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result, as per Clause 4.1 of the Code of Conduct.

No other Members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Central Sydney Planning Committee

Item 2 Confirmation of Minutes

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

That the minutes of the meeting of the Central Sydney Planning Committee of 8 May 2025, as circulated to Members, be confirmed.

Carried unanimously.

Item 3 Matters Arising from the Minutes

There were no matters arising from the minutes of the Central Sydney Planning Committee of 8 May 2025.

Item 4 Section 4.56 Application: 14-26 Wattle Street, Pyrmont - D/2019/649/C

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

It is resolved that consent be granted to Section 4.56 Application Number D/2019/649/C subject to the amendment of the following conditions (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~), as follows:

Approved Development Description

Concept development application for a building envelope with maximum height of ~~33.08m~~ ***42.6m***. Indicative land uses include residential, commercial, retail, ***hotel***, childcare and recreational facilities.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/649 dated 21 June 2019 and the following drawings prepared by BVN:

- (a1) ***As amended by the following drawings prepared by BVN that relate to the Fig Street Building only (including the southern side of the through site link and area beneath Jones Street through site link stairs):***

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-MOD-0001-COM</i>	<i>CONCEPT ENVELOPE 3D WEST</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-0002-COM</i>	<i>CONCEPT ENVELOPE 3D EAST</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1001-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 00</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1002-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 01</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1003-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 02</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1004-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 03</i>	<i>01</i>	<i>22/05/2025</i>

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-MOD-1005-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1006-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1007-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1008-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1009-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1010-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1011-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1012-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1013-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1014-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 13</i>	<i>01</i>	<i>22/05/2025</i>

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-MOD-1015-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL ROOF</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-2001-COM</i>	<i>JONES ST ELEVATION</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-2002-COM</i>	<i>FIG ST ELEVATION</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-2003-COM</i>	<i>WATTLE ST ELEVATION</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-2004-COM</i>	<i>LIGHT RAIL ELEVATION</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-2005-COM</i>	<i>STREETSCAPE ELEVATION</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-3001-COM</i>	<i>SECTION A</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-3002-COM</i>	<i>SECTION B</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-3003-COM</i>	<i>SECTION C</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-3004-COM</i>	<i>SECTION D</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-3005-COM</i>	<i>SECTION E</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-3006-COM</i>	<i>SECTION F</i>	<i>01</i>	<i>22/05/2025</i>

and as amended by the conditions of this consent.

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

(Condition amended – 28 March 2024)

(Condition amended – 19 June 2025)

(7) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in Sydney Local Environmental Plan 2012, are:

- (e) Building E - Fig Street **Building**:
 - (i) RL ~~37.950~~ **38.450** (AHD) to the top of plant and lift overrun **room**
 - (ii) RL ~~36.350~~ **35.850** (AHD) to the Level ~~10~~ **11** roof **and RL 36.255 to the Level 11 parapet**
 - (iii) RL ~~32.350~~ **32.150** (AHD) to the Level ~~09~~ **10** roof and RL **33.640** (AHD) ~~33.550 to the Level 09 parapet~~ **10 top of balustrade**
 - (iv) RL ~~29.150~~ **28.950** (AHD) to the Level ~~08~~ **09** roof and RL (AHD) ~~29.950 to the Level 08 parapet~~

The maximum heights shown above are inclusive of additional height approved pursuant to the provisions of Clause 6.21D(3) of Sydney Local Environmental Plan 2012. The development is not eligible for any additional height under any circumstances.

Notwithstanding clause (a) and (b) above, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.

(Condition amended – 28 March 2024)

(Condition amended – 19 June 2025)

(9) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building has adopted the following proposed ESD targets reflected in the Design Excellence Strategy referred to in Condition 4:

- (a) 4 Star Green Star Design and As-Built or GreenStar Buildings Rating using the most contemporary version of the Green Star rating tool that applies at the time of DA lodgement.
- ~~(b) 5.5 Star NABERS Office Energy Base Building Rating if the development contains 1,000sqm or more of commercial office net lettable area~~
- (c) Exceed the relevant BASIX Energy Target (defined by number of storeys of residential development) by 10 BASIX points
- (d) Inclusion of on-site renewable energy generation via roof top photovoltaic system(s) and/or solar or heat pump service for domestic water heating
- ~~(e) Property Council of Australia (PCA) Office Quality Grade B~~

The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project.

(Condition amended – 19 June 2025)

Reasons for Decision

The application was approved for the following reasons:

- (A) The modified development is substantially the same as the development originally approved and is therefore consistent with the requirements of section 4.56(1)(a) of the EP&A Act.
- (B) Modification of the consent is not inconsistent with the reasons given by the consent authority (the Land and Environmental Court) for the grant of the Original Consent and is consistent with the requirements of section 4.56(1A) of the EP&A Act.
- (C) Subject to conditions, the modified development reflects the architectural design competition winning scheme and will not adversely impact the amenity of the surrounding area.
- (D) The modified development proposes a building envelope which is capable of accommodated a building exhibiting design excellence in accordance with clause 6.21C of the Sydney LEP 2012.
- (E) The modified development is generally consistent with the aims and objectives of the relevant planning controls including the SEPP Housing, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (F) The modified development is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.

Carried unanimously.

D/2019/649/C

Speakers

Stephen Kerr (Gyde Consulting) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 4.

Item 5 Section 4.55 Application: 14-26 Wattle Street, Pyrmont - D/2023/97/A

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

It is resolved that consent be granted to Section 4.55 Modification Application Number D/2023/97/A subject to the amendment of the following conditions, with modifications shown in ***bold italics*** (additions) and ~~striketrough~~ (deletions), as follows:

Approved Development Description:

Demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, ***hotel***, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works, and subdivision.

(1) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2023/97 dated 16 February 2023 and:

...

- (a1) As amended by the following architectural plans prepared by BVN that relate to the Fig Street Building only (including the southern side of the through site link and area beneath Jones Street through site link stairs):**

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-A 01A-XX-00-COM</i>	<i>COVER SHEET</i>	<i>03</i>	<i>22/05/2025</i>
<i>AR-DA-A 01A-XX-05-COM</i>	<i>BASIX COMMITMENTS</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-00-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 00</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-01-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 01</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-02-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 02</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-03-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 03</i>	<i>02</i>	<i>22/05/2025</i>

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-A 10B-04-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-05-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-06-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-07-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-08-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-09-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-10-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-11-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-12-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10B-13-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 13</i>	<i>02</i>	<i>22/05/2025</i>

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-A 10B-14-00-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 14</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10C-XX-00-COM</i>	<i>ELEVATIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10C-XX-01-COM</i>	<i>ELEVATIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10C-XX-02-COM</i>	<i>ELEVATIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10C-XX-03-COM</i>	<i>ELEVATIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10C-XX-04-COM</i>	<i>ELEVATIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10C-XX-10-COM</i>	<i>ELEVATIONS W/O WINTERGARDENS</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-A 10D-XX-00-COM</i>	<i>SECTIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10D-XX-01-COM</i>	<i>SECTIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10D-XX-02-COM</i>	<i>SECTIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>AR-DA-A 10D-XX-03-COM</i>	<i>SECTIONS</i>	<i>02</i>	<i>22/05/2025</i>
<i>WST-AR-DA-A 10D-XX-10-COM</i>	<i>SECTIONS - CLIFF FACE - SHEET 1</i>	<i>01</i>	<i>22/05/2025</i>
<i>WST-AR-DA-A 10D-XX-11-COM</i>	<i>SECTIONS - CLIFF FACE - SHEET 2</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-A 46B-06-00-COM</i>	<i>WINDOW TYPE PLAN - LEVEL 05 & LEVEL 06</i>	<i>01</i>	<i>22/05/25</i>

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-A 46B-07-00-COM</i>	<i>WINDOW TYPE PLAN - LEVEL 06 & LEVEL 07</i>	<i>01</i>	<i>22/05/25</i>
<i>AR-DA-A 46B-08-00-COM</i>	<i>WINDOW TYPE PLAN - LEVEL 07 & LEVEL 08</i>	<i>01</i>	<i>22/05/25</i>
<i>AR-DA-A 46B-09-00-COM</i>	<i>WINDOW TYPE PLAN - LEVEL 08 & LEVEL 09</i>	<i>01</i>	<i>22/05/25</i>
<i>AR-DA-A 46B-10-00-COM</i>	<i>WINDOW TYPE PLAN - LEVEL 09 & LEVEL 10</i>	<i>01</i>	<i>22/05/25</i>

(b) The following stratum subdivision plans:

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
Sheet 1 of 11	Location Plan	B	7/11/2023
Sheet 2 of 11	Level 00 & Below	B	7/11/2023
Sheet 3 of 11	Level 01	B	7/11/2023
Sheet 4 of 11	Level 02	B	7/11/2023
Sheet 5 of 11	Level 03	B	7/11/2023
Sheet 6 of 11	Level 04	B	7/11/2023
Sheet 7 of 11	Level 05	B	7/11/2023
Sheet 8 of 11	Levels 06 & 07	B	7/11/2023
Sheet 9 of 11	Level 08 & Above	B	7/11/2023

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
Sheet 10 of 11	Section A-A	B	7/11/2023
Sheet 11 of 11	Section B-B	B	7/11/2023
<i>Sheet 1 of 11</i>	<i>Location Plan</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 2 of 11</i>	<i>Level 00 & Below</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 3 of 11</i>	<i>Level 01</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 4 of 11</i>	<i>Level 02</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 5 of 11</i>	<i>Level 03</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 6 of 11</i>	<i>Level 04</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 7 of 11</i>	<i>Level 05</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 8 of 11</i>	<i>Levels 06</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 9 of 11</i>	<i>Level 07 & Above</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 10 of 11</i>	<i>Section A-A</i>	<i>H</i>	<i>24/05/2025</i>
<i>Sheet 11 of 11</i>	<i>Section B-B</i>	<i>H</i>	<i>24/05/2025</i>

(c) The following reports and certificates:

- (i) Acoustic Impact Assessment, prepared by Stantec, dated 1 November 2023 and addendum letters relating to courtyard bedrooms (dated 13 October 2023), podium terraces (dated 28 August 2023) and garbage chute design (dated 1 November 2023);
- (ii) Detailed Natural Ventilation of Apartments in Noisy Environments, prepared by RWDI, dated 17 November 2023 and Detailed Natural Cross Ventilation Analysis, prepared by RWDI, dated 20 February 2024

(iia) Fig Street Building noise, ventilation and wind reports:

- ***Noise, Vibration and Natural Ventilation Impact Assessment, prepared by E-LAB Consulting (dated 9 October 2024 as updated 22 May 2025 – Revision 5)***
- ***Fig Street Building – 14–26 Wattle Street Pyrmont - Pedestrian Wind Study, prepared by RWDI (dated 18 October 2024) and Fig Street Building - 14-26 Wattle Street, Pyrmont - Review of Updated Drawing – Level 9, prepared by RWDI (dated 30 April 2025 as updated 22 May 2025)***

(iii) BASIX certificates:

- Jones St Building Certificate No 1349432M_03
- Courtyard Building Certificate No 1349433M_03
- Wattle St Building Certificate No 1349085M_03
- **Fig Street Building Certificate No. 1769368M_02**
- **Fig Street Building NatHERs Certificate No. 9824380**

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

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

(Condition amended – 19 June 2025)

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- ~~(a) Building C – Courtyard: The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD))~~
- (b) Child care centre (simulated outdoor space): Vegetable gardens or gardening tubs are to be included within the simulated outdoor spaces.
- (c) **Communal open space: The communal open space on Level 09 of the Fig Street Building (which is located within the building footprint) is not to be enclosed by glazing. All furniture on communal roof terraces must be fixed.**
- (d) **Privacy protection measures and wind screens – Fig Street Building: Detailed drawings are required at 1:20, demonstrating the design of all privacy measures (including for all privacy screens/grilles, wind screens, planters and other privacy protection measures). The drawings are to demonstrate that all privacy measures are effective at mitigating overlooking. The drawings must also demonstrate the materials, colours and finishes.**
- (e) **Privacy protection measures and wind screens – Jones Street Building and Wattle Street Building: Privacy protection measures as illustrated in the Report titled “Fig Street S. 4.55 Visual and Acoustic Privacy, 14-26 Wattle Street, Pyrmont” prepared by BVN, dated 20 March 2025, are to be provided to the Jones Street Building and Wattle Street Building. Detailed drawings are required as set out at (d) above.**
- (f) **Fire hydrant boosters, cupboards etc: Detailed drawings at 1:20 of all hydrant boosters are to be prepared, including doors that screen them from the public domain. Details of the materials, colours and finishes are to be provided.**

- (g) **Hotel rooms:** *An access door is to be provided to facilitate maintenance of the inaccessible planted area at Level 03 of the Fig Street Building, located between hotel rooms and the Jones Street pedestrian through site link stair.*
- (h) **Residential storage:** *Residential storage spaces for all apartments are to be provided in accordance with the design criteria at Objective 4G-1 of the ADG. At least 50% of the required storage is to be located within the apartment.*
- (i) **Hotel All Day Dining:** *The Hotel All Day Dining area is to be provided with adequate toilets to meet BCA requirements, based on the assumption that patrons may not be residential guests of the hotel.*
- (j) **The retail tenancy illustrated on AR-DA-A 10B-02-00-COM GENERAL ARRANGEMENT PLAN - LEVEL 02 (Rev 02 dated 22/05/2025) is not approved. Instead, the approved building manager's room at Level 2, beneath the pedestrian through site link stairs at Jones Street, is to be retained (as illustrated on AR-DA-A 10B-02-00 GENERAL ARRANGEMENT PLAN - LEVEL 02 (Revision 18 dated 21/02/24).**

The modifications are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(Condition amended – 19 June 2025)

(3) BUILDING HEIGHT

The height of each building must not exceed the following RLs (AHD):

...

- (e) ~~Building E Fig Street~~ **Building:**
 - (i) RL ~~37.950~~ **38.450** (AHD) to the top of plant and lift overrun ~~room~~
 - (ii) RL ~~36.350~~ **35.850** (AHD) to the Level ~~10~~ **11** roof and RL 36.255 to the Level 11 parapet
 - (iii) RL ~~32.350~~ **32.150** (AHD) to the Level ~~09~~ **10** roof and RL **33.640** (AHD) ~~33.550~~ to the Level ~~09~~ **10 top of balustrade**
 - (iv) RL ~~29.150~~ **28.950** (AHD) to the Level ~~08~~ **09** roof and RL (AHD) ~~29.950~~ to the Level ~~08~~ **09** parapet

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(Condition amended – 19 June 2025)

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio (FSR):

- (a) The FSR of the development must not exceed 3.88 3.81:1. For the purposes of calculating the FSR, the site area is 12,361m² (being the site area of land in Zone MU1 – Mixed Use) and the total Gross Floor Area (GFA) is ~~47,954~~ **47,126** m² comprising the following components:
 - (v) Residential: ~~27,208~~ **33,993**m²
 - (vi) Commercial: ~~15,827~~ **201**m²
 - (vii) Retail: ~~426~~ **570**m²
 - (iiia) Hotel 7,894m²**
 - (viii) Child care centre: 1,810m²
 - (ix) Recreation centre: ~~2,683~~ **2,667**m²
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(Condition amended – 19 June 2025)

(8) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

~~The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample boards, and specifications prepared by BVN dated 03/11/23.~~

A detailed materials and samples board is to be submitted to the Executive Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.

Reason

To ensure all parties are aware of the approved materials and finishes that apply to the development.

(Condition amended – 19 June 2025)

(10) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2012 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is ~~\$2,500,245.91~~ **\$2,349,847.05**. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.
- (b) To make payment contact Council's Planning Assessment Unit email: planningsystemsadmin@cityofsydney.nsw.gov.au who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the NSW Department of Planning, Industry and Environment.
- (c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgement of a bank guarantee must be provided to the Registered Certifier prior to issue of a construction certificate.
- (d) Prior to issue of any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the Principal Certifier that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

Note: All affordable housing contribution payments (and lodgement of bank guarantees) for Ultimo-Pyrmont are paid at the NSW Department of Planning, Industry and Environment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(Condition amended – 19 June 2025)

(11) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – WEST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

Contribution Category	Amount	
Open Space	\$4,715,612.78	\$4,274,014.91
Community Facilities	\$1,442,913.18	\$1,381,000.01
Traffic and Transport	\$26,062.73	\$12,571.53
Stormwater Drainage	nil	
Total	\$6,184,588.69	\$5,667,586.45

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 136.4 for the December 2023.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(Condition amended – 19 June 2025)

(48) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	147 150
Accessible residential spaces	36 43
Residential visitor spaces	5
Office and business parking	19 0
<i>Hotel parking</i>	2
<i>Accessible office and business parking</i>	1
Child care (staff and drop-off) visitor parking	10
Child care (staff and drop-off) / visitor accessible parking	2
Car share parking (residential)	2
Car share parking (<i>commercial</i> non-residential)	1
Subtotal	223 215
Motorcycle parking	20 18
Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	2
Total	248 238

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(Condition amended – 19 June 2025)

(49) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	256 287	Spaces must be a class 1 bicycle locker [1] or class 2 bicycle rails
Residential visitor	26 32	Spaces must be Class 2/3 bicycle rails
Non-residential	110 17	Spaces must be Class 2 bicycle facilities
Non-residential visitor	52 6	Spaces must be Class 2/3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	16	
Personal lockers	164	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(Condition amended – 19 June 2025)

(56) ACOUSTIC AND VENTILATION REPORT

The recommendations outlined in the following reports are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant and acoustic consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works:

- (a) “Detailed Natural Ventilation Of Apartments In Noisy Environments” (Ref: RWDI #22065570), prepared by RWDI, dated 17 November 2023 as amended by the report titled “Detailed Natural Cross Ventilation Analysis” (Ref: RWDI # 2206557), prepared by RWDI, dated 20 February 2024; and
- (b) “14-26 Wattle Street, Pyrmont - Acoustic Impact Assessment”, prepared by Stantec, dated 1 November 2023.
- (c) **“Fig Street Building - Noise, Vibration and Natural Ventilation Impact Assessment”, prepared by E-LAB Consulting (dated 9 October 2024 as updated 22 May 2025), with the exception of the Communal Open Space on Level 09 of the Fig Street Building, which is not to be enclosed by glazing.**

Reason

To provide a reasonable standard of natural ventilation and acoustic amenity.

(Condition amended – 19 June 2025)

(57) PEDESTRIAN WIND STUDY

The recommendations outlined in the **following** reports ~~are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works:~~

- (a) “14-26 Wattle Street Pedestrian Wind Study” (Ref: RWDI # 2206557), prepared by RWDI Australia Pty Ltd dated 31 January 2023 and “14-26 Wattle Street, Pyrmont, Sydney Review of Updated Drawings” (RWDI Reference #2206557)
- (b) **“Fig Street Building – 14–26 Wattle Street Pyrmont - Pedestrian Wind Study”, prepared by RWDI (dated 18 October 2024) and “Fig Street Building - 14-26 Wattle Street, Pyrmont - Review of Updated Drawing – Level 9”, prepared by RWDI (dated 22 May 2025)**

~~prepared by RWDI Australia Pty Ltd dated 31 October, 2023 are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works.~~

(Condition amended – 19 June 2025)

(59) LANDSCAPING OF THE SITE

This condition applies to landscape at grade, deep soil, podium landscape and the through site link.

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the **following** ~~Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24. The drawings must include:~~

- (i) **Stage 2 DA Landscape Design Report, Rev F, prepared by Oculus dated 20/02/24**
- (ii) **Stage 2 Development Application drawing package, Rev 2, prepared by Oculus, dated 20/02/24**
- (iii) **As amended by the following Fig Street Building package prepared by Oculus:**

Drawing Number	Drawing Name	Revision	Date
WST-LA-DD 001-XX-0000	LEGEND SHEET	04	22/05/25
WST-LA-DD 002-XX-0000	MATERIALS SCHEDULE	07	22/05/25
WST-LA-DD 003-XX-0000	PLANTING SCHEDULE	06	22/05/25
WST-LA-DD 201-00-0100	GENERAL ARRANGEMENTS - LEVEL 0	04	22/05/25
WST-LA-DD 201-02-0100	GENERAL ARRANGEMENTS - LEVEL 2	08	22/05/25
WST-LA-DD 201-03-0100	GENERAL ARRANGEMENTS - LEVEL 3	05	22/05/25
WST-LA-DD 201-05-0100	GENERAL ARRANGEMENTS - LEVEL 5	05	22/05/25
WST-LA-DD 201-09-0100	GENERAL ARRANGEMENTS - LEVEL 9	05	22/05/25
WST-LA-DD 201-10-0100	GENERAL ARRANGEMENTS - LEVEL 10	05	22/05/25
WST-LA-DD 501-00-0100	PLANTING PLAN - LEVEL 0	01	22/05/25
WST-LA-DD 501-02-0104	PLANTING PLAN - LEVEL 2	01	22/05/25

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>WST-LA-DD 501-03-0100</i>	<i>PLANTING PLAN - LEVEL 3</i>	<i>01</i>	<i>22/05/25</i>
<i>WST-LA-DD 501-05-0100</i>	<i>PLANTING PLAN - LEVEL 5</i>	<i>01</i>	<i>22/05/25</i>
<i>WST-LA-DD 501-09-0100</i>	<i>PLANTING PLAN - LEVEL 9</i>	<i>01</i>	<i>22/05/25</i>
<i>WST-LA-DD 501-10-0100</i>	<i>PLANTING PLAN - LEVEL 10</i>	<i>01</i>	<i>22/05/25</i>
<i>WST-LA-DD 800-XX-0000</i>	<i>TYPICAL DETAILS – PAVING</i>	<i>06</i>	<i>22/05/25</i>
<i>WST-LA-DD 810-00-0000</i>	<i>TYPICAL DETAILS – WALLS and EDGES</i>	<i>06</i>	<i>22/05/25</i>
<i>WST-LA-DD 840-00-0000</i>	<i>TYPICAL DETAILS – SOFTSCAPE 1</i>	<i>06</i>	<i>22/05/25</i>
<i>WST-LA-DD 841-00-0000</i>	<i>TYPICAL DETAILS – SOFTSCAPE 2</i>	<i>06</i>	<i>22/05/25</i>
<i>WST-LA-DD 856-00-0000</i>	<i>DETAILS – FIG STREET TERRACES</i>	<i>01</i>	<i>22/05/25</i>

The drawings must include:

- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
- (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, services, furniture, shade structures, lighting and other features;
- (iii) Minimum 1 BBQ to be incorporated into the communal space adjacent to the swimming pool;

- (iv) Full details of steel heritage interpretation structure, including its construction, use (as appropriate) and maintenance requirements Details of earthworks and soil depths including detailed existing (where appropriate) and proposed levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
 - (vi) Details of drainage, waterproofing and watering systems;
 - (vii) Landscape maintenance plan ***prepared generally in accordance with the advice titled Pyrmont Place 14-26 Wattle Street Pyrmont | Methodology for Accessing Façade Perimeter Planter and Vegetation Areas Using IRATA Rope Access Methods, prepared by Karabiner, dated 17 March 2025. This Landscape maintenance plan*** is to be complied with during occupation of the property.
 - (viii) ***Details illustrating the design, structure and planning of the planter box at the Jones Street boundary, adjoining the void to the Fig Street Building. The Landscape Maintenance Plan (see above) must consider this planter.***
- (b) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed as approved on drawing ARDAA 10B0100, Issue 20 by BVN. Where relatively natural soil does not exist, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager.
 - (c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

To ensure that the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

(Condition amended – 19 June 2025)

(60) ACCESSIBLE GREEN ROOFS RECOMMENDED

This condition relates to accessible roof terraces on Fig Street building levels 9 and 10, and located on the Wattle Street, Jones Street and Courtyard buildings.

- (a) A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24, ***and as amended by Stage 2 Development Application drawing package for the Fig Street Building listed in Condition (59) of this consent.*** The drawings must include:

- (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
 - (ii) A detailed design review of all planters to the edges of roofs that are positioned beyond the balustrade. Where safe and easy access is not practicable, these are to be removed.
 - (iii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iv) Engineers report confirming structural capacity of building for proposed roof terrace loads.
 - (v) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (viii) Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
 - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

Reason

To ensure that the accessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(Condition amended – 19 June 2025)

(60A) INACCESSIBLE GREEN ROOFS

This condition applies to inaccessible green roofs located on on level 5 and beyond balustrade on levels 9 and 10 of the Fig Street building, and on the Wattle Street, Jones Street buildings.

- (a) *Plans and details drawn to scale, and technical specification, prepared by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for any basement construction. These documents must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24, and as amended by Stage 2 Development Application drawing package for the Fig Street Building listed in Condition (59) of this consent.*
- (b) *The drawing set must demonstrate full coordination with plans prepared by the architect, engineers, and specialist safety experts. These documents must include:*
 - (i) *Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.*
 - (ii) *Engineers report confirming structural capacity of building for proposed green roof loads.*
 - (iii) *Details of soil types and depth including any mounding.*
 - (iv) *Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.*
 - (v) *Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.*
 - (vi) *Green roof maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, fall arrest system, lockable maintenance gates, and transport of materials and green waste.*
 - (vii) *A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.*
- (c) *Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.*
- (d) *All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.*
- (e) *Inaccessible green roofs must remain inaccessible for the lifetime of the property.*

Reason

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(Condition amended – 19 June 2025)

(62) REFLECTIVITY AND GLAZING

- (a) Prior to issue of the Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

(b) All glazing is to have a Visible Light Transmission (VLT) no less than 50%.

Reason

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain **and to avoid darkened glass.**

(Condition amended – 19 June 2025)

(63) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the ~~DA Acoustic Impact Assessment prepared by Stantec, dated 1 November 2023, ref 301350642 rev. 005, titled 'Acoustic Impact Assessment', Council Ref 2023/633671~~ **following reports** must be implemented in the development prior to the commencement of its use:

(i) DA Acoustic Impact Assessment prepared by Stantec, dated 1 November 2023, ref 301350642 rev. 005, titled 'Acoustic Impact Assessment', Council Ref 2023/633671

(ii) Noise, Vibration and Natural Ventilation Impact Assessment, prepared by E-LAB Consulting (dated 9 October 2024 as updated 22 May 2025)

- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

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

(Condition amended – 19 June 2025)

(157) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The **residential** accommodation portion of the building (Building B – Jones Street (Level 04 to Level 10), Building C – Courtyard Building (all levels), Wattle Street Building (Level 02 to Level 10) **and Fig Street Building (Level 06 to Level 10)** must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” pursuant to Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council’s solicitor, at the cost of the applicant, in accordance with the City’s Fees and Charges.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

Reason

To ensure the residential accommodation portion of the site is used for permanent residential purposes.

(Condition amended – 19 June 2025)

(176A) OPERATION OF WINTERGARDENS

Prior to the issue of any Occupation Certificate for residential accommodation in the Fig Street Building, a plaque is to be installed in all dwellings that rely on wintergardens for acoustic amenity and natural cross ventilation explaining how the wintergardens mechanism can be operated.

(Condition amended – 19 June 2025)

(176B) HOTEL PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the ‘Plan of Management, Proposed Hotel, 14-26 Wattle Street, Pyrmont, Sydney’, prepared by Gyde Consulting dated 2 October 2024 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

A full and current copy of all current development consents for the operation of the licensed premises, and [where applicable] the Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Reason

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

(Condition amended – 19 June 2025)

TRANSPORT FOR NSW – CONCURRENCE

TfNSW has reviewed the submitted application and would provide concurrence to the proposed civil works on the Wattle Street and Fig Street frontages under Section 138 of the Roads Act 1993, subject to Central Sydney Planning Committees approval and the following requirements being included in the development consent

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Wattle Street and Fig Street boundary. ~~Shade fins must be located within the property boundary.~~
2. The construction of the median island on the Wattle Street frontage, stormwater drainage, vehicular crossings and associated works on the Wattle Street and Fig Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@transport.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- ~~3. A Construction Traffic Management Plan (CTMP) shall be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), TfNSW and Sydney City Council, prior to the issue of a Construction Certificate. The CTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.~~

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. Please send information to development.ctmp@cjp@transport.nsw.gov.au

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. All vehicles shall enter and exit the site in a forward direction.
6. If not already in place, "No Stopping" restrictions shall be implemented along the full Wattle Street and Fig Street frontage of the development site at no cost to TfNSW.

7. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
10. The proposed development should be designed such that road traffic noise from Wattle Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007. As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Wattle Street has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008 with applicable requirements being details on the Construction Certificate plans.

(Condition amended - 19 June 2025)

Transport for NSW (TfNSW) Infrastructure and Light Rail Operations

General

1. ***The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor,***
2. ***The applicant must comply with the requirements of T HR CI 12090 ST Air Space and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;***
3. ***Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator; and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;***
4. ***The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;***
5. ***The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;***

6. *TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;*
7. *All boundary fencing is to be replaced to the satisfaction of TfNSW and the Sydney Light Rail Operator at the cost of the applicant and at no cost to the Transport Asset Holding Entity (TAHE) or TfNSW;*
8. *During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant; and*
9. *All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.*

Prior to the issue of the Construction Certificate

Review and endorsement of documents

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant should consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to the preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the following conditions have been complied with.

- ***Prior to the issue of any Construction Certificates, the applicant is to confirm in writing with TfNSW what each Construction Certificate stage will involve;***
- ***Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement; and***
- ***Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the TfNSW endorsement:***
- ***Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;***
- ***Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;***

- *Details of the vibration and movement monitoring system that will be in place before excavation commences;*
- *Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and*
- *Detailed survey plan.*

Pedestrian Connection to the Wentworth Park Light Rail stops

Prior to the issue of a Construction Certificate the person acting upon this consent is to enter into an Access Licence with TAHE, to permit access at \$1 over the newly created access points.

Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document titled, "Development Near Rail Corridors and Busy Roads - Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

Electrolysis Analysis

Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Construction Certificate.

Reflectivity Report

Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

Balconies and Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

Consultation Regime

Prior to the issue of the relevant Construction Certificate, a detailed regime is to be prepared for consultation with and approved by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

Works Deed / Agreements

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- *Sydney Light Rail Operational requirements;*
- *Sydney Light Rail access requirements;*
- *Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;*
- *Indemnities and releases;*
- *Security of costs;*
- *Insurance requirements and conditions;*
- *TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;*

- ***Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;***
- ***Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:***
 - ***Pre and post construction dilapidation reports;***
 - ***Any removal or changes to structures or landscape beds within TAHE owned areas;***
 - ***The need for track possessions;***
 - ***Review of the machinery to be used during excavation/ground penetration / construction works;***
 - ***The need for track monitoring;***
 - ***Design and installation of lights, signs and reflective material;***
 - ***Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);***
 - ***Endorsement of plans regarding proposed craneage and other aerial operations;***
 - ***Erection of scaffolding/hoarding;***
 - ***Light Rail Operator's rules and procedures; and***
 - ***Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.***
- ***Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;***
- ***Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;***
- ***Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and***
- ***Sydney Light Rail site works access approval and access permit to work.***

During Construction

- ***Construction vehicles shall not be stopped or parked on Wattle Street adjacent to the proposed development at any time without prior approval of TfNSW;***

- ***Safe Work Method Statement describes the specific hazards identified for the high risk construction work to be undertaken and the control measures shall be in place so the work is carried out safely including machinery to be used/operated especially tower cranes/mobile cranes with associated safety measures to be taken;***
- ***All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;***
- ***No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor;***
- ***No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;***
- ***During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;***
- ***The applicant must mitigate noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;***
- ***Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and***
- ***No scaffolding is to be use within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.***

Prior to the Issue of the Occupation Certificate

Post-construction Dilapidation Report

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

Reflectivity Report

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

Pedestrian Connection to the Wentworth Park Light Rail Stops

Prior to the Issue of the Occupation Certificate, the licence agreement that was entered between TAHE and the applicant prior to obtaining the Construction Certificate must be novated to the Strata Corporation once the Strata Plan is created. Evidence of this agreement being incorporated into the Strata Management Plan must be provided to TAHE's satisfaction. Please contact TAHE's property representatives at Property@transport.nsw.gov.au;

Prior to the Issue of the Occupation Certificate., any removal or changes to structures or landscape beds within TAHE owned areas are to be made good to the satisfaction of TfNSW and the Sydney Light Rail Operator at the cost of the applicant and at no cost to TAHE or TfNSW.

(Condition amended - 19 June 2025)

Reasons for Decision

The application was approved for the following reasons:

- (A) The modified development is substantially the same as the development originally approved and is therefore consistent with the requirements of section 4.55(2)(a) of the EP&A Act.
- (B) The proposed modifications ensure that the detailed design development consent will be consistent with the concept consent (D/2019/649 as modified) to satisfy section 4.24 of the EP&A Act.
- (C) Subject to conditions, the modified development reflects the architectural design competition winning scheme and will not adversely impact the amenity of the surrounding area.
- (D) The modified development proposes a building which is capable of exhibiting design excellence in accordance with clause 6.21C of the Sydney LEP 2012.
- (E) The modified development is generally consistent with the aims and objectives of the relevant planning controls including the SEPP Housing, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (F) The modified development is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.

Carried unanimously.

D/2023/97/A

Speakers

Stephen Kerr (Gyde Consulting) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 5.

Item 6 Section 4.55 State Significant Modification Application: 201-217 Elizabeth Street, Sydney - D/2017/349/A

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

It is resolved that consent be granted to State Significant Section 4.55(2) Application Number D/2017/349/A (SSD 8105-Mod-1) subject to the amendment of the following conditions (with additions shown in ***bold italics*** and deletions shown in ~~strike through~~), as follows:

Approved Development Description:

State Significant Development (SSD 8105) for a building envelope and concept approval for the construction and use of a ~~50-storey (RL198.22)~~ **RL 208.60** mixed use building providing hotel, retail and residential uses, with basement parking.

(Amendment A – 19 June 2025)

(2) APPROVED DEVELOPMENT

- (f) Development must be in accordance with State Significant Development Application No. SD 16_8105 dated 21 March 2017 and the following drawings prepared by ~~FJMT~~ **FJC Studio**:

Drawing Number	Title	Date
3100-SSD	Proposed Envelope — Roof Plan	02 November 2017
3101-SSD	North Elevation Proposed Envelope — Park Street	02 November 2017
3102-SSD	South Elevation Proposed Envelope — Bathurst Street	02 November 2017
3103-SSD	East Elevation Proposed Envelope — Elizabeth Street	02 November 2017
3104-SSD	West Elevation Proposed Envelope — Castlereagh Street	02 November 2017
3105-SSD	Proposed Envelope North-South — Elizabeth Street	02 November 2017
3106-SSD	Proposed Envelope East-West — Park Street	02 November 2017

Drawing Number	Title	Date
3107-SSD	Proposed Envelope North-South—Castlereagh Street	02 November 2017
100	Stage 1 Envelope Modification_Plan RL +63.250m	22 August 2024
101	Stage 1 Envelope Modification_Plan RL +84.610m	22 August 2024
102	Stage 1 Envelope Modification_Plan RL +97.210m	22 August 2024
103	Stage 1 Envelope Modification_Plan RL +141.300m	22 August 2024
104	Stage 1 Envelope Modification_Plan RL +176.600m	22 August 2024
105	Stage 1 Envelope Modification_Plan RL + 189.290m	22 August 2024
106	Stage 1 Envelope Modification_Plan RL +199.330m	22 August 2024
107	Stage 1 Envelope Modification_Plan RL +209.800m	22 August 2024
201	West Elevation	22 August 2024
202	South Elevation	22 August 2024
203	North Elevation	22 August 2024
204	East Elevation	22 August 2024
501	Stage 1 Envelope Modification_Axonometry	22 August 2024

and as amended by the conditions of this consent.

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

(Amendment A – 19 June 2025)

(3) BUILDING HEIGHT

The height of the building must not exceed ~~RL 198.22 (AHD)~~ **RL 208.60(AHD)** to the top of the building and RL 69.89 (AHD) to the ~~parapet of the podium, and RL 76.00 (AHD) to the top of the podium.~~

(Amendment A – 19 June 2025)

(11) DETAILED DESIGN OF BUILDING (**incorrectly numbered 12 in officer's report*)

The Design Brief for the competitive design process and subsequent detailed Development Application must incorporate the following design requirements/ details:

- (a) Any structures or landscaping located on the upper level of the podium (above RL 69.89) are to be located and designed with regard to view sharing and privacy of adjoining residential development at 27 Park and 197 Castlereagh Street.
- (b) The Stage 2 Development Application must demonstrate a compatible response to the surrounding area in terms of facade treatments, articulation, massing and architectural character.
- (c) The length of the podium along Elizabeth and Castlereagh Street is to be relieved by modelling that interprets nineteenth century subdivision patterns.
- (d) The design of the podium is to ensure that significant views to and solar access to the sandstone facade of St Georges Church at 201A Castlereagh Street are maintained.
- (e) The podium should incorporate high quality materials including 'Yellowblock' sandstone quarried locally in the Sydney basin.
- (f) The tower is to be articulated to ameliorate wind impacts at street level and in Hyde Park.
- (g) Any through-site link must be designed in accordance with Section 3.1.2.2 of Sydney Development Control Plan 2012.
- ~~(h) There is to be no continuous awning in Elizabeth Street. Any awning is to be limited to entrances;~~
- (i) All street trees surrounding the site are to be retained.
- (j) The Stage 2 Development Application must demonstrate that the development is capable of achieving acceptable solar access to living room windows and private open space in accordance with the criteria contained in the Apartment Design Guide.
- (k) Extensive glazing that is unprotected from mid-summer sunlight is to be avoided. The detailed design must not rely on high performance tinting or glazing as a sun control device.

(Amendment A – 19 June 2025)

(16) SIGNAGE STRATEGY

~~Any Development Application for the detailed design and construction of the development must be accompanied by a signage strategy for the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs for the building.~~

(Amendment A – 19 June 2025)

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the strategic planning framework established for the site. In particular, the proposal is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as it supports an increase in tourist and residential assets within the Central Business District and will foster a lively and engaging city.
- (B) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.
- (C) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (E) The proposal is consistent with the aims, objectives, and relevant provisions of the Sydney Local Environmental Plan 2012 for the reasons set out in the report.
- (F) The proposed building envelope is able to accommodate a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (G) The increased height and changes to setbacks of the building envelope are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the Detailed Design State Significant Development Application D/2024/854 (SSD 64090972).
- (H) 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.
- (I) The development, as modified, is in the public interest.

Carried unanimously.

D/ D/2017/349/A

Speakers

Mark Stante (Charter Hall) – on behalf of the applicant, and Richard Francis Jones (FJC) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 6.

Item 7 State Significant Development Application: 201-217 Elizabeth Street, Sydney - D/2024/854

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

It is resolved that consent be granted to State Significant Development Application Number D/2024/854 (SSD 64090972) subject to the conditions set out in Attachment B to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new residential accommodation, hotel accommodation and retail floor space.
- (C) The proposal generally satisfies the objectives and provisions of the State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide.
- (D) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012.
- (E) The proposed development is consistent with the design intent of the preferred scheme of a required competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the Central Sydney locality.
- (G) The proposed development is consistent with the amended concept approval for the site, being D/2017/349/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (H) Subject to the recommended condition of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (I) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Central Sydney locality, subject to the recommended conditions.
- (J) The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012. The tri-partite tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The tower results in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for residents, employees and visitors to the site and is suitably located close to good public transport.

- (K) The development is anticipated to create 844 construction and 310 ongoing operational jobs.
- (L) The development has provided sufficient information to address the SEARs.
- (M) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.
- (N) For the reasons above and as detailed in the assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

Carried unanimously.

D/2024/854

Speakers

Mark Stante (Charter Hall) - on behalf of the applicant, and Richard Francis Jones (FJC) - on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 7.

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 ~~strikethrough~~), 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>
<i>AR-DA- M-10B-06</i>	<i>General Arrangement Plan – Level 03-06</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-07</i>	<i>General Arrangement Plan – Level 07</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-08</i>	<i>General Arrangement Plan – Level 08-15</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-09</i>	<i>General Arrangement Plan – Level 16</i>	<i>21 November 2023</i>
<i>AR-DA- M-10B-01</i>	<i>General Arrangement Plan – Roof</i>	<i>21 November 2023</i>
<i>AR-DA- M-10D-01</i>	<i>Section</i>	<i>21 November 2023</i>

Drawing Number	Drawing Name	Date
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
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.

(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.

(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

Speakers

Kate Bartlett (Planning Studio) – on behalf of the applicant, and Phillip Rossington (BVN) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 8.

Item 9 Development Application: 93-97 Macquarie Street, Sydney - D/2024/324

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

It is resolved that consent be granted to Development Application Number D/2024/324 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of building development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012.
- (C) The proposed development is consistent with the amended concept approval for the site, being D/2017/1609/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act 1979.
- (D) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (E) The proposed development generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (F) The proposal complies with the maximum floor space ratio development standard in Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012.
- (G) The proposed development complies with the Sun Access Plane requirements for the Royal Botanic Gardens in accordance with Clause 6.17 of the Sydney Local Environmental Plan 2012.
- (H) The proposed development will conserve the heritage significance of the "Former Department of Health building including interiors" in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (I) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (J) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily respond to the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (K) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.

- (L) The proposed mix of compatible land uses will support the vitality of the area and, subject to the recommended conditions, not result in any significant adverse environmental or amenity impacts on neighboring properties, the public domain, and the broader Sydney Central Business District.
- (M) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of associated potential environmental impacts.

Carried unanimously.

D/2024/324

Speakers

Kate Bartlett (Planning Studio) – on behalf of the applicant, and Phillip Rossington (BVN) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 9.

Item 10 Development Application: 757-759 and 761-763 George Street, Haymarket - D/2024/890

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

It is resolved that:

- (A) the variation requested to the below ground floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2024/890 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~striketrough~~):

(49) PREPARATION OF MECHANICAL VENTILATION PLANS

- (a) Prior to the issue of the relevant Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person and submitted to and approved by Council. The plans must be in accordance with the following:
 - (i) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and
 - (ii) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - a. cause a nuisance to persons within or nearby to the premises,
 - b. or cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.

Reason

To ensure that detailed professional plans of the approved mechanical ventilation system are submitted prior to the issue of ~~a~~ ***the relevant*** Construction Certificate.

(122) HOURS OF OPERATION – EXTERNAL TERRACE LEVEL 2

The permitted hours of operation for the external terrace located on level 2 are restricted to between 7.00am and 12.00pm ~~pm~~ ***midnight*** Monday to Sunday.

Reason

To ensure the premises trades within the approved hours of operation.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the Clause 6.60F(6) development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 6.60F(6) of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the SP5 zone and the Clause 6.60F(6) development standard.
- (C) The proposed development is consistent with the objectives of the SP5 Metropolitan Centre zone.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The proposed development is consistent with the design intent of the winning schemes of the competitive design alternatives processes for the site, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, and the Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (G) The proposal provides for uses that are compatible with the surrounding area. The proposal is in keeping with the future desired character of the area and is considered to be in the public interest.
- (H) Conditions 49 and 122 were amended at the request of the applicant, to correct administrative errors.

Carried unanimously.

D/2024/890

Speakers

Andrew Burns (Architecture AND) – on behalf of the applicant, and Mitchell Favalaro (Ceerose) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 10.

Item 11 Development Application: 683-689 George Street, Haymarket - D/2024/1066

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

It is resolved that:

- (A) the variation requested to the height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2024/1066 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written requests relating to the maximum height of buildings development standard adequately addressed the matters required to be addressed under Clause 4.6 of the Sydney Local Environmental Plan 2012, that compliance with the respective development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the development standards; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the SP5 - Metropolitan Centre zone and the height of buildings development standard.
- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy (Transport and Infrastructure 2021) and the State Environmental Planning Policy (Sustainable Buildings) 2022.
- (D) Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (E) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development has a bulk, form and massing that is suitable for the site and its context within the Haymarket/Chinatown Locality. The intended future uses of the site are consistent with the objectives of the SP5 - Metropolitan Centre zone.

- (G) The amended development application has addressed matters raised by Council staff. Subject to the recommended conditions of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) For the reasons above the proposed development is in the public interest.

Carried unanimously.

D/2024/1066

Speakers

Jasmin Williamson (Wardle) – on behalf of the applicant, and Catherine Chung (Posei) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 11.

Item 12 Development Application: 923-935 Bourke Street, Waterloo - D/2024/1208

Moved by Abbie Galvin, seconded by Councillor Miller -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/1208 following:
 - (i) consideration of additional groundwater sampling within currently accessible soil areas, around retained street trees and future land to be dedicated to the City;
 - (ii) submission of a revised Remediation Action Plan outlining an appropriate remediation strategy, including details of any Long-term Environmental Management Plans to manage any residual soil contamination on site/contaminated ground water;
 - (iii) submission of a Section B Site Audit Statement prepared by a Site Auditor confirming the site is suitable or will be made suitable for the use upon the implementation of the Remediation Action Plan and, if required, any Long-Term Environmental Management Plans; and
 - (iv) conclusion of the public exhibition of the VPA and consideration of any public submissions received in response;
- (B) the request made in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 to vary the floor space ratio development standard in Clause 4.4 be upheld;
- (C) the request made in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 to vary the ceiling height non-discretionary development standard under Clause 148 of the State Environmental Planning Policy (Housing) 2021 be upheld; and
- (D) if the Chief Executive Officer determines to approve Development Application No. D/2024/1208, then consideration be given to imposition of the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

PART A – DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

~~(2) – CONCEPT WASTEWATER PLAN – SYDNEY WATER ASSETS~~

~~Due to the critical nature of Sydney Water impacted assets, early approval of works requiring changes to the Sydney Water infrastructure is required. A concept wastewater design must be submitted to and approved in principle by Sydney Water under a Section 73 application, or other Sydney Water application.~~

~~Evidence of in-principle approval from Sydney Water must be submitted to Council.~~

Reason

~~To ensure the protection of Sydney Water assets.~~

PART B – CONDITIONS OF CONSENT**SCHEDULE 1A****(47A) CONCEPT WASTEWATER PLAN – SYDNEY WATER ASSETS**

- (a) *Due to the critical nature of Sydney Water impacted assets, early approval of works requiring changes to the Sydney Water infrastructure is required. Prior to the issue of any Construction Certificate, a concept wastewater design must be submitted to and approved by Sydney Water under a Section 73 application, or other Sydney Water application.*
- (b) *Evidence of approval from Sydney Water based on the current design must be submitted to and approved by Council's Area Planning Manager Planning Assessments prior to the issue of any Construction Certificate. Should the approval not work with the approved basement design, a Section 4.55 application may be required.*

Reason

To ensure the protection of Sydney Water assets.

SCHEDULE 4 – CONDITIONS OF CONSENT – EXTERNAL AGENCIES**Sydney Water – Building Plan Approval (including Tree Planting Guidelines)**

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Sydney Water - Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Reasons for Decision

The application was recommended for determination by the Chief Executive Officer for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.4 Floor Space Ratio of the Sydney Local Environmental Plan 2012.
 - (ii) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the Ceiling Heights non-discretionary development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 148 of the State Environmental Planning Policy (Housing) 2021 and Part 4C of the Apartment Design Guide.
- (C) The development is permissible with consent in the MU1 mixed-use zone and is consistent with the objectives of the zone.
- (D) The proposed development complies with the maximum height of buildings development standard contained in Clause 4.3 of Sydney Local Environmental Plan 2012.
- (E) The proposed development is consistent with the Voluntary Planning Agreement between The Council of the City of Sydney, Fabcot Pty Ltd, Triton Atlas Corporation Pty Ltd and The Owners Strata Plan No. 22322.
- (F) The proposed development is consistent with the design intent of the selected scheme of the competitive design alternatives processes for the site, held in accordance with the City of Sydney Competitive Design Policy.
- (G) The proposed development is consistent with the aims and objectives of relevant planning controls including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances or are resolved by the recommended conditions of consent.
- (H) The proposed development provides a positive contribution that is suitable in terms of its context, scale and building form which is consistent with the desired future character of the area. The proposed development exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.

- (I) The proposed development has a form, bulk and massing that is suitable for the site and its context and is appropriate in the setting of the Waterloo Park locality.
- (J) Condition (2) was amended in line with a request by the applicant, to require satisfaction prior to the issue of any Construction Certificate.
- (K) Condition 47(A) was inserted in line with Sydney Water infrastructure requirements.
- (L) Two additional Sydney Water conditions were inserted to reflect Sydney Water advice.

Carried unanimously.

D/2024/1208

Speakers

Daniel Howard (Ethos Urban) – on behalf of the applicant, and Pierre Abrahamse (Woolworths Group) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 12.

Item 13 Post Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in submissions to the public exhibition of the Planning Proposal - 47-51 Riley Street, Woolloomooloo and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo as shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - 47-51 Riley Street, Woolloomooloo shown at Attachment B to the subject report, as amended following public exhibition, to be made as a Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 16 June 2025, that Council approve Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo shown at Attachment C, as amended following public exhibition, noting the Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - 47-51 Riley Street, Woolloomooloo and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo to correct any minor errors prior to finalisation.

Carried unanimously.

X087762

Speakers

Ray Hudson (Paramount Apartments Owners Corporation), Robert Tait (Paramount Apartments Owners Corporation), Phillip McGowan, Dee-Ann Seccombe, Bruce Cox, Stephen Francis, David Reeve, Nicholas Patrick, and Stuart Rose (Rose Group), addressed the Central Sydney Planning Committee on Item 13.

**Item 14 Post Exhibition - Planning Proposal - 242-258 Young Street, Waterloo -
Sydney Local Environmental Plan 2012 Amendment and Draft Design
Guide**

This item was withdrawn from the agenda of the Central Sydney Planning Committee.

X093892

Item 15 Post Exhibition - Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney, the draft Sydney Development Control Plan 2012 56-60 Pitt Street and 3 Spring Street, Sydney, and draft Voluntary Planning Agreement, as shown in Attachment D to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney, as shown at Attachment A to the subject report, and request the relevant local plan making authority make as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 16 June 2025, that Council approve the draft Sydney Development Control Plan 2012 - 56-60 Pitt Street and 3 Spring Street, Sydney, as shown at Attachment B to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney, and the draft Sydney Development Control Plan 2012 - 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any minor errors or omissions prior to finalisation; and
- (E) the Central Sydney Planning Committee note the draft Voluntary Planning Agreement, as shown at Attachment C to the subject report, will be executed under the delegation of Council in accordance with the Environmental Planning Assessment Act 1979.

Carried unanimously.

X103370

Speakers

Lachlan Jones (Ethos Urban) addressed the Central Sydney Planning Committee on Item 15.

Item 16 Post Exhibition - Planning Proposal - Sydney Local Environmental Plan and Development Control Plan - Policy and Housekeeping Amendments (LEP/DCP Update)

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in submissions to the public exhibition of Planning Proposal - Sydney Local Environmental Plans Policy and Housekeeping Amendments 2023, Sydney Development Control Plan 2012 Policy and Housekeeping Amendments 2023, City of Sydney Competitive Design Policy, Guidelines for Waste Management in New Developments and Landscape Code as shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Sydney Local Environmental Plans Policy and Housekeeping Amendments 2023, as amended following public exhibition and shown at Attachment B to the subject report, to be submitted to the Department of Planning, Housing and Industry to be made as local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 16 June 2025, that Council approve Draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023, as amended following public exhibition and shown at Attachment C to the subject report, noting the draft development control plan will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 16 June 2025, that Council approve City of Sydney Competitive Design Policy and Landscape Code as shown at Attachments D and E respectively, noting they will come into effect at the same time as the draft development control plan;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 16 June 2025, that Council, at the time the draft Development Control Plan comes into effect:
 - (i) adopt Section 3.7 "Water and Flood Management Policy" of the Sydney Development Control Plan 2012 as the Council's flood policy for the entire local government area, noting that the application of this section will be identified on the City's website; and
 - (ii) rescind the Interim Floodplain Management Policy;

- (F) the Central Sydney Planning Committee note that proposed amendments to the City of Sydney Waste Guidelines in New Developments and the proposed amendments to the Waste Management provisions in Draft Sydney Development Control Plan Policy and Housekeeping Amendments 2023 will not proceed at this time, pending a fuller review of the waste management provisions; and
- (G) authority be delegated to the Chief Executive Officer to make minor variations to the documents in Attachments B to E to correct minor errors and to maintain consistency with the Local Environmental Plan as published.

Carried unanimously.

X039444

Speaker

Zena Vaassen addressed the meeting of the Central Sydney Planning Committee on Item 16.

Item 17 Summary of Applications to be Reported to the Central Sydney Planning Committee

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

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

Carried unanimously.

S042755-02

The meeting of the Central Sydney Planning Committee concluded at 6:58pm.

CHAIR