

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 23/5644 or PAN-329997 Sirius Building – Stratum Subdivision
Applicant	Sirius Developments Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions specified in Schedule 2 of the development consent.

A copy of the development consent and the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

25 October 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including the orderly development, occupation and operation of the Sirius Building
- the project is permissible with development consent and is consistent with NSW Government policies including the State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Statement of Environmental Effects (SEE) from 1 June 2023 to 14 June 2023.

During the exhibition period, the Department received a submission from Place Management NSW (PM NSW) advising they had no objection to the proposal. No public submissions were received during the exhibition period.

A submission making comments from City of Sydney Council (Council) was received after the statutory public exhibition period.

The Department also undertook the following consultation activities:

- exhibition on the Department's website
- notification of adjoining landholders, Council and relevant government agencies in writing.

The issues raised by Council are considered in the Department's Assessment Report and summarised in the table below.

Issue	Consideration
<p>Council matter: Council does not support an encroachment into the Cumberland Street road reserve</p>	<p>Assessment:</p> <ul style="list-style-type: none"> • The Applicant confirmed the basement wall is approved to be construction at the boundary of Lot 100 in DP 264104 and would not extend beyond this allotment. • Lot 101 of DP 264104 remains unchanged and forms part of an existing basement cut that was created during the construction of the original building in 1980. • The Department is satisfied that the proposal would not create any encroachment into the Cumberland Street road reserve and that the existing Lot 101 in DP 264104 would remain unchanged. <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Condition A6 confirms that approval is not granted for any encroachment into or the use of the road reserve.
<p>Council matter: Landowner's consent would be required for the reconstruction of the drainage network within Gloucester Walk (Lot 6 in DP 776315) and approval is required from Council prior to connecting to the City's drainage system</p>	<p>Assessment:</p> <ul style="list-style-type: none"> • The Applicant advised this matter was not relevant to the stratum subdivision application as no stormwater works or any physical works are proposed as part of this application. • This matter would be addressed under the approved application for the redevelopment of the Sirius site (SSD 10384). <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Condition A6 confirms that no physical works are approved as part of this application.
<p>Council matter: Recommended creation of a positive covenant over the water quality chamber in the basement for maintenance and repair</p>	<p>Assessment:</p> <ul style="list-style-type: none"> • The Department considers the recommended condition is appropriate and have included it in the conditions of consent. <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Condition B13 references Council's recommendation for a positive covenant over all drainage systems involving On-Site Detention.
<p>Council matter: Recommended a list of easements and restrictions to be provided on the plan of subdivision</p>	<p>Assessment:</p> <ul style="list-style-type: none"> • The Applicant and Council considers the recommended easements and restrictions are appropriate and should be included. <p>Recommended conditions:</p> <ul style="list-style-type: none"> • The conditions of consent reference Council's recommendations.
<p>Council matter: Recommended that public art is installed to Council's satisfaction prior to the issue of any Occupation Certificate</p>	<p>Assessment:</p> <ul style="list-style-type: none"> • The Applicant advised this matter was not relevant to the stratum subdivision application. • The Department agrees that all physical works, including the installation of public art, is regulated under SSD 10384. Condition D4 of that consent requires that evidence is submitted to the Certifier that all public art has been installed/implemented prior to the issue of any Occupation Certificate. <p>Recommended conditions:</p> <ul style="list-style-type: none"> • No recommended conditions.