

Central Sydney Planning Committee

Meeting No 493

Thursday 9 May 2024

Notice Date 3 May 2024

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore AO (Chair), Councillor HY William Chan, Councillor Adam Worling, Ms Abbie Galvin, Ms Anthea Sargeant, Mr Bruce James and Mr Richard Horne.

At the commencement of business at 5.10pm, those present were:

The Lord Mayor, Councillor Chan, Councillor Worling, Ms Galvin, Ms Sargeant, Mr James and Mr Horne.

The Director City Planning, Development and Transport was also present.

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Ms Galvin was attending the meeting of the Central Sydney Planning Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

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

Councillor HY William Chan disclosed a less than significant non-pecuniary interest in Item 7 on the agenda, in that he is a former employee of Cox Architecture, the architect for the development application.

Councillor Chan considers that this non-pecuniary conflict is not significant and does not require further action in the circumstances because he has not been an employee of Cox Architecture since 2020 and has no relevant relationship to this architecture project nor the clients.

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 Worling –

That the minutes of the meeting of the Central Sydney Planning Committee of 28 March 2024, 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 28 March 2024.

Item 4 Development Application: 960A Bourke Street, Zetland - D/2023/849

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

It is resolved that:

- (A) the request to vary the height of buildings development standard in accordance with Clause 4.6 of the Sydney Local Environmental Plan (Green Square Town Centre) 2013 be upheld;
- (B) the request to vary the ceiling height development standard in accordance with Clause 4.6 of the Sydney Local Environmental Plan (Green Square Town Centre) 2013 be upheld;
- (C) the requirement under Clause 6.9 of the Sydney Local Environmental Plan (Green Square Town Centre) 2013 requiring a competitive design process for Sites 7 and 17 is unreasonable or unnecessary in the specific circumstances due to the site history, applications consolidation, and substantial input received from the Design Advisory Panel including forming a subcommittee; and
- (D) consent be granted to Development Application Number D/2023/849 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 and ceiling height development standards adequately addressed the matters required to be addressed under Clause 4.6 of the Sydney Local Environmental Plan (Green Square Town Centre) 2013, 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 MU1 - Mixed Use zone and the height of buildings and ceiling height development standards.
- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan (Green Square Town Centre) 2013, the Green Square Town Centre Development Control Plan 2012 and the State Environmental Planning Policy (Housing) 2021. 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.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.9 of the Sydney Local Environmental Plan (Green Square Town Centre) 2013.

- (E) The proposed development for Site 18 is consistent with the design intent of the winning scheme of a competitive design alternatives process, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposed development has a bulk, form and massing that is suitable for the site and its context within the Green Square Town Centre and the proposed mix of residential, retail and commercial uses are consistent with the objectives of the MU1 - Mixed Use zone.
- (G) The proposal is consistent with the terms of the executed Planning Agreement that has been registered on the title of the land and will facilitate the improvement of the public domain through the dedication of land for the new roads, being Barker Street and Fellmonger Place.

Carried unanimously.

D/2023/849

Speakers

Leo Lin Meng.

Daniel Howard (Ethos Urban) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 4.

Item 5 Development Application: 905 South Dowling Street and 118-130 Epsom Road, Zetland - D/2023/724

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application Number D/2023/724 following the drafting and conclusion of the public exhibition of the draft Voluntary Planning Agreement generally in accordance with the public benefit offer dated 2 May 2024 and considering any public submissions received in response;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2023/724 subject to receipt of an approval from Federal Department of Infrastructure and Regional Development, Airspace Protection, Aviation and Airports, pursuant to the Airports (Protection of Airspace) Regulations 1996 and clause 7.16 of the Sydney Local Environmental Plan 2012;
- (C) authority be delegated to the Chief Executive Officer to determine whether the Design Excellence Strategy for 118-130 Epsom Road and 905 South Dowling Street, Zetland, prepared by Meriton and dated 8 April 2024, as shown in Attachment D to the subject report, ought to be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (D) if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, to granting deferred commencement consent to Development Application Number D/2023/724 subject to the conditions set out in Attachment A to the report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio (FSR):

- (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) A maximum GFA of 81,700sqm is approved, which is to be apportioned to the approved development stages in accordance with the following table:

Development Stage	Total GFA	Residential GFA	Non-Residential GFA
Northeast	34,250sqm	31,928sqm	2,322sqm
Northwest	25,550sqm	24,693sqm	857sqm
South	21,900sqm	20,527sqm	1,373sqm

- (c) Notwithstanding the above, the development stages in a competitive process phase may be eligible up to 10% additional floor space pursuant to the provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that subsequent development application(s) for the detailed design of the buildings exhibit design excellence and is the result of a competitive design process.
- (d) Each competitive process phase will be only eligible for a maximum of an additional 10% of the floorspace apportioned to it. Additional floor space is not transferrable between Competitive Process Site. If a Competitive Process Site is not able to accommodate the full amount of additional floor space apportioned to it, the remaining balance of additional floor space cannot be transferred to another development lot set out in (a) (b).

Reason

To specify the relevant floor space ratio controls applicable to the development.

(37) NEW ROAD DESIGN

Preparation of the detailed design and construction documentation for the proposed public road system must include all necessary liaison with, and requirements of, all relevant public utility authorities, Transport for NSW, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance.

A design package must be prepared based on the requirements outlined in Council's Public Domain Manual. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, Austroads and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report must be submitted with any subsequent detailed design DA for building construction.

Reason

To ensure the new road design complies with Council's policies, standards and specifications and those of all other relevant authorities.

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 appropriate 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 concept proposal is for building envelopes for nine (9) development blocks for a mixed-use development comprising indicative commercial, retail, childcare centre and residential uses. The proposal secures public benefits comprising land dedication, the delivery of trunk drainage, roads and parks and embellishment works for footpath widening and a through-site link between pocket parks and Defries Avenue.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (D) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (E) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 and provides capacity for an additional 10 per cent of additional floorspace available under Clause 6.21D(3)(b) of the Sydney Local Environmental Plan 2012 for any subsequent detailed design resulting from a design competition process and demonstrating design excellence.
- (F) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (G) Subject to compliance with the Design Excellence Strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development provides building envelopes capable of accommodating future buildings which can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (H) Condition 6 was amended to correct an incorrect reference in part (d) of the condition.
- (I) Condition 37 was added to ensure the orderly and timely delivery of the community infrastructure required by the development.

Carried unanimously.

D/2023/724

Speaker

Walter Gordon (Meriton) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 5.

Item 6 Development Application: 136 Hay Street, Haymarket - D/2023/887

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

It is resolved that:

- (A) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances; and
- (B) consent be granted to Development Application Number D/2023/887 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 is consistent with the objectives of the SP5 Metropolitan Centre zone.
- (B) The proposed development satisfies the relevant objectives and provisions of the Sydney Development Control Plan 2012.
- (C) Having considered the matters in Clause 6.21 of the Sydney LEP 2012, the building displays design excellence.
- (D) The proposed development is consistent with the Concept Approval under D/2015/1490/A.
- (E) 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.

Carried unanimously.

D/2023/887

Speaker

Tim Moore (Architectus) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 6.

Item 7 Development Application: 8-24 Kippax St, Surry Hills - D/2023/1162

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

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;
- (B) the variation requested to the floor space ratio standard, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (C) consent be granted to Development Application Number D/2023/1162 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 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:
 - (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 height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 the Sydney LEP 2012;
 - (ii) 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 floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
 - (iii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and with the objectives of both the height of buildings and the floor space ratio development standards.
- (C) The proposal, subject to recommended conditions, generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012, including the Design Excellence Provisions, and the provisions of the Sydney Development Control Plan 2012.
- (D) The proposed development has a height, scale and form suitable for the site and its context and is appropriate in the streetscape context of the Surry Hills Central locality.

- (E) The amended development application has addressed matters raised by the City's planners. 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.
- (F) For the reasons above and as detailed in the following assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest.

Carried unanimously.

D/2023/1162

Speaker

Tom McNamara (Canva) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 7.

Item 8 Public Exhibition - Planning Proposal - 383-395A Kent Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 383-395A Kent Street, Sydney, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 383-395A Kent Street, Sydney, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 6 May 2024 that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 383-395A Kent Street, Sydney;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 6 May 2024 that Council approve the Draft Sydney Development Control Plan 2012 - 383-395A Kent Street, Sydney, as shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 383-395A Kent Street, Sydney, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 383-395A Kent Street, Sydney, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 22 April 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X091069

Speaker

Mark Stante (Charter Hall) addressed the meeting of the Central Sydney Planning Committee on Item 8.

Item 9 Summary of Applications to be Reported to the Central Sydney Planning Committee

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

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 5.50pm.

CHAIR