

RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2015/1845 **DATE:** 11 August 2016
TO: Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 7 - 280-288 George Street, Sydney - At
CSPC - 11 August 2016

Alternative Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Application No. D/2015/1845 after the draft Planning Agreement, in accordance with the public benefit offer made by Toga Hotel Property Investments No. 2 Pty. Ltd. dated 10 May 2016, is publicly exhibited and any submissions considered;
- (B) if the CEO determines to approve the application, then consideration be given to supporting the variation sought to Clause 4.4 (Floor Space Ratio) and Clause 6.4 (Accommodation Floor Space) of Sydney Local Environmental Plan 2012 pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (C) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A and Part B ~~below of the subject report to the Central Sydney Planning Committee on 11 August 2016, and subject to the amendment of Condition (6) of Part B, such that it reads as follows, (with additions shown in ***bold italics underlined text*** and deletions in ***bold italics strikethrough text***):~~

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 15.24:1 calculated in accordance with the *Sydney Local Environmental Plan 2012*. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 9,036 sqm.
- (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 Certifying Authority.

- (c) Prior to a Stage 2 Construction Certificate being issued, Council's written verification must be obtained, confirming that ~~2,549sqm~~ 1,549sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the *Sydney Local Environmental Plan 2012*.

Background

Following a review of the planning assessment report prepared for Development Application D/2015/1845, the applicant has requested that consideration be given to reducing the allocation of Heritage Floor Space (HFS) based on the fact that the proposed scheme won an architectural design competition.

Clause 6.11(2)(a) of the Sydney LEP 2012 permits that the consent authority may reduce the amount of HFS allocated to a development if the proposal is a winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy. This clause allows the HFS to be reduced by up to 50% or by 1,000sqm, whichever is the lesser.

As the timing of the competitive design process for this development did not technically occur in accordance with the City of Sydney Competitive Design Policy, the recommendation of the assessment report did not provide any reduction of HFS. This was as the competition occurred prior to the lodgement of the Stage 1 DA.

Whilst acknowledging the inconsistent ordering of events for this proposal, it is agreed that the proposed development is the winning scheme of an architectural design competition and that the competition itself was run in accordance with the Competitive Design Policy. As such, in this instance, it is agreed to provide a reduction in HFS in accordance with Clause 6.11(2) of the Sydney LEP 2012.

It is recommended that Condition 6 (Floor Space Ratio – Central Sydney) be modified, as detailed above, to allow a reduction of 1,000sqm of HFS. As modified, the HFS allocation for this development will be 1,549sqm.

Prepared by: Nicola Reeve, Area Planning Manager

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Approved



**Graham Jahn, Director City Planning,
Development and Transport**