

Resolution of Central Sydney Planning Committee

12 December 2024

Item 4

Development Application: 130 Joynton Avenue, Zetland - D/2024/514

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

It is resolved that:

- (A) the request to vary 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) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2024/514 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 ~~strikethrough~~):

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and DEICORP PROJECTS (JOYNTON AVE) PTY LTD, that delivers public benefits associated with the approved development is publicly exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

Reason

~~To ensure that awnings are appropriately maintained.~~

(2) STAGED CONSTRUCTION CERTIFICATES

This consent allows construction works to be undertaken in two stages as follows:

- (a) **Construction Certificate 1 (CC1)** – Shoring, **and** bulk excavation, piling and basement structure to ground floor comprising:
- (i) CC1(A) – Building groups D and E
 - (ii) CC1(B) – Building C
 - (iii) CC1(C) – Buildings A and B
- (b) **Construction Certificate 2 (CC2)** – **Foundation piles, basement structure to ground floor,** B building works and fit out comprising:
- (i) CC2(A) – Building groups D and E
 - (ii) CC2(B) – Building C
 - (iii) CC2(C) – Building B
 - (iv) CC2(D) – Building A

Reason

To ensure the orderly development of the site.

(3) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/514 dated 9 July 2024 and the following drawings prepared by Fender Katsalidis and Besley & Spreser (Buildings A, B and C) and Candalepas Associates and Lachlan Seegers Architect (Building groups D and E):

Buildings A, B and C - Fender Katsalidis and Besley & Spreser

Drawing Number	Drawing Name	Date
DA-00-000, Rev C	Cover Sheet	05/11/2024
DA-0-002, Rev C B	Greater Precinct Site Plan – Building A/B/C/D/E	05/11/2024 18/10/2024
DA-0-003, Rev C	Greater Precinct Deep Soil Plan – Building A/B/C/D/E	05/11/2024
DA-0-004, Rev C	Greater Precinct Basement Plans – A/B/C/D/E	05/11/2024
DA-0-005, Rev B	Greater Precinct Elevation – A/B/C/D/E	18/10/2024
DA-0-098, Rev C	Precinct – Basements – Buildings A/B/C	05/11/2024

Drawing Number	Drawing Name	Date
DA-0-100, Rev C	Precinct Plans – GFL & L01 – Buildings A/B/C	05/11/2024
DA-0-114, Rev B	Precinct Plans – Roof – Buildings A/B/C	18/10/2024
DA-0-201, Rev B	Precinct Elevation – Buildings Overall Section A – Building A/B/C	18/10/2024
DA-0-251, Rev C	Precinct Section – Buildings A/B/C	05/11/2024
DA-0-440, Rev A	Storage Plans – Building A/B/C	18/10/2024
Building A		
DA-1-098, Rev C	Basement 02 – Building A	05/11/2024
DA-1-099, Rev C	Basement 01 – Building A	05/11/2024
DA-1-100, Rev C	Ground Level – Building A	05/11/2024
DA-1-101, Rev B	Level 01-02 – Building A	18/10/2024
DA-1-103, Rev B	Level 03-04 – Building A	18/10/2024
DA-1-105, Rev B	Level 05-06 – Building A	18/10/2024
DA-1-107, Rev B	Level 07 – Building A	18/10/2024
DA-1-108, Rev C	Level 08 – Building A	05/11/2024
DA-1-109, Rev B	Level 09-12 – Building A	18/10/2024
DA-1-113, Rev B	Level 13 – Building A	18/10/2024
DA-1-114, Rev B	Roof – Building A	18/10/2024
DA-1-201, Rev B	Zetland Ave Elevation (South) & Joynton Ave Elevation (West) – Building A	18/10/2024
DA-1-202, Rev C	North Elevation & Grandstand Parade Elevation (East) – Building A	05/11/2024
DA-1-251, Rev B	Section A & B	18/10/2024
DA-1-260, Rev A	Podium Detail – Building A	18/10/2024

Drawing Number	Drawing Name	Date
DA-1-270, Rev A	Fence Detail – Building A	18/10/2024
DA-1-320, Rev B	Building A Material	18/10/2024
DA-1-500, Rev B	Adaptable Apartment Layout	18/10/2024
Building B		
DA-2-098, Rev C	Basement 02 – Building B	05/11/2024
DA-2-099, Rev C	Basement 01 – Building B	05/11/2024
DA-2-100, Rev B	Ground Level – Building B	18/10/2024
DA-2-101, Rev B	Level 01-07 – Building B	18/10/2024
DA-2-108, Rev C	Level 08 – Building B	05/11/2024
DA-2-109, Rev B	Level 09-11 – Building B	18/10/2024
DA-2-114, Rev B	Roof – Building B	18/10/2024
DA-2-201, Rev B	Zetland Ave Elevation (South & Victoria Park Parade Elevation (East)	18/10/2024
DA-2-202, Rev B	Grandstand Parade Elevation (West) & North Elevation	18/10/2024
DA-2-251, Rev B	Section A & B	18/10/2024
DA-2-252, Rev A	Section C	05/11/2024
DA-2-260, Rev A	Podium Detail – Building B	18/10/2024
DA-2-270, Rev A	Fence Detail – Building B	18/10/2024
DA-2-320, Rev B	Building B Material	18/10/2024
DA-2-500, Rev B	Adaptable Apartment Layout	18/10/2024
DA-2-501, Rev B	Adaptable Apartment Layout	18/10/2024
Building C		
DA-3-098, Rev C	Basement 02 – Building C	05/11/2024
DA-3-099, Rev C	Basement 01 – Building C	05/11/2024

Drawing Number	Drawing Name	Date
DA-3-100, Rev C	Ground Level – Building C	05/11/2024
DA-3-101, Rev B	Level 01-05, Building C	18/10/2024
DA-3-106, Rev B	Level 06-07, Building C	18/10/2024
DA-3-114, Rev B	Roof – Building C	18/10/2024
DA-3-201, Rev B	Zetland Ave Elevation (South) & George Julius Ave Elevation (East)	18/10/2024
DA-3-202, Rev B	Victoria Park Parade Elevation (West) & North Elevation	18/10/2024
DA-3-251, Rev B	Section A & B	18/10/2024
DA-3-260, Rev A	Podium Detail – Building C	18/10/2024
DA-3-270, Rev A	Fence Detail – Building C	18/10/2024
DA-3-320, Rev B	Building C Material	18/10/2024
DA-3-500, Rev B	Adaptable Apartment Layout	18/10/2024
DA-3-500, Rev A	Adaptable Apartment Layout	18/10/2024

Building groups D and E - Candalepas Associates and Lachlan Seegers

Drawing Number	Drawing Name	Date
DA-4-0101, Rev C	Cover Page & Drawing List	04/11/2024
DA-4-0152, Rev A	Envelope Plan	17/10/2024
DA-4-1001, Rev C	Basement Plan 2	04/11/2024
DA-4-1002, Rev B	Basement Plan 1	17/10/2024
DA-4-1010, Rev D	Ground Floor	20/11/2024
DA-4-1011, Rev B	Level 1 Floor Plan	17/10/2024
DA-4-1012, Rev B	Level 2 Floor Plan	17/10/2024

Drawing Number	Drawing Name	Date
DA-4-1013, Rev B	Level 3 Floor Plan	17/10/2024
DA-4-1014, Rev B	Level 4 Floor Plan	17/10/2024
DA-4-1015, Rev B	Level 5 Floor Plan	17/10/2024
DA-4-1016, Rev C	Level 6 Floor Plan	04/11/2024
DA-4-1017, Rev B	Level 7 Floor Plan	17/10/2024
DA-4-1018, Rev C	Level 8 Floor Plan	04/11/2024
DA-4-1019, Rev C	Level 9 Floor Plan	04/11/2024
DA-4-1020, Rev C	Level 10 Floor Plan	04/11/2024
DA-4-1021, Rev C	Level 11 Floor Plan	04/11/2024
DA-4-1022, Rev C	Roof Plan	04/11/2024
DA-4-1051, Rev B	Adaptable Unit Plans – D1	17/10/2024
DA-4-1052, Rev B	Adaptable Unit Plans – D1	17/10/2024
DA-4-1053, Rev B	Adaptable Unit Plans – E1	17/10/2024
DA-4-1054, Rev B	Adaptable Unit Plans – E2	17/10/2024
DA-4-1055, Rev B	Adaptable Unit Plans – E2	17/10/2024
DA-4-1101, Rev B	Section S-01	17/10/2024
DA-4-1102, Rev B	Section S-02	17/10/2024
DA-4-1103, Rev B	Section S-03	17/10/2024
DA-4-1104, Rev B	Section S-04	17/10/2024
DA-4-1105, Rev B	Section S-05	17/10/2024
DA-4-1106, Rev B	Section S-06	17/10/2024
DA-4-1201, Rev B	Elevation E-01	17/10/2024
DA-4-1202, Rev B	Elevation E-02	17/10/2024
DA-4-1203, Rev B	Elevation E-03	17/10/2024

Drawing Number	Drawing Name	Date
DA-4-1204, Rev B	Elevation E-04	17/10/2024
DA-4-1205, Rev B	Elevation E-05	17/10/2024
DA-4-1206, Rev B	Elevation E-06, E-09, E-15	17/10/2024
DA-4-1207, Rev B	Elevation E-07	17/10/2024
DA-4-1208, Rev B	Elevation E-08	17/10/2024
DA-4-1209, Rev B	Elevation E-10	17/10/2024
DA-4-1210, Rev B	Elevation E-11	17/10/2024
DA-4-1211, Rev B	Elevation E-12 & E16	17/10/2024
DA-4-1212, Rev B	Elevation E-13 & E-14	17/10/2024
DA-4-1803, Rev B	Apartment Schedule	17/10/2024
DA-4-1804, Rev B	Apartment Schedule	17/10/2024
DA-4-1807, Rev B	Storage Plans	17/10/2024
DA-4-1808, Rev B	Storage Plans	17/10/2024
DA-4-2001, Rev A	Fence Detail Building D & E	04/11/2024

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.

Reason

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

(7) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.

- (b) The contribution is ~~\$28,042,370.94~~ **\$28,109,428.27** (indexed at 42 November 2024 **10 December 2024**). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (~~4,170~~ **1,770** sqm) and the equivalent monetary contribution \$11,176.22 multiplied by 3% of the total floor area for residential development (83,247sqm).

The contribution can be paid in two stages as below:

- (i) ***\$11,115,647.10 is to be paid prior to any Construction Certificate for Buildings A, B and C. This is calculated based on 1,190sqm of non-residential total floor area and 32,756sqm of residential total floor area.***
- (ii) ***\$16,993,781.17 is to be paid prior to any Construction Certificate for Building groups D and E. This is calculated based on 580sqm of non-residential total floor area and 50,491sqm of residential total floor area.***
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025 the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times MDP2 / MDP1$, where:
- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
- (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
- (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

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

(39) DESIGN MODIFICATIONS – BUILDING GROUPS D AND E –CC1

Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate for Buildings groups D and E, amended architectural drawings are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport addressing the following:

- (a) The architectural drawings are to match the landscape plans and provide a minimum 350mm slab set down and 550mm high retailing walls lining both edges of all ground floor footpaths. Tree locations must match the landscape plans.
- (b) The Building E2 west facing ground level apartment interface to Ascot Avenue is not approved. This is to be amended to demonstrate a high quality, deep soil landscape interface within the 2m landscape setback. Any additional private open space fencing/ screening is to be setback behind the 2m landscape setback of the ground level terraces.

Reason

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

(44) DESIGN MODIFICATIONS – WASTE MANAGEMENT

Prior to the issue of any CC4 **CC2** Construction Certificate, amended architectural drawings are to be submitted to and approved by Council's Area Planning Manager addressing the following:

- (a) Retail bulky waste storage areas for all buildings must be provided in accordance with the City of Sydney's Guidelines for Waste Management in New Developments 2018.
- (b) For Building C, a designated retail waste storage area for bins is to be provided in accordance with the bin requirement specified in the Operational Waste Management Plan (Elephants Foot Rev H) within the basement or ground floor to support the management of retail waste and minimise potential for conflict between residential and commercial waste management systems.
- (c) Remove the doorway between the Building A loading area and 'Retail Tenancy (Food) A03' (drawing no. DA-1-100, Rev C).
- (d) The 'Bin Holding Area' in Building D, Basement 1 is to be amended to restrict retail tenant access to the residential bin holding area.
- (e) The bulky waste collection area within Building D is to be located within 10m of the proposed City of Sydney waste collection vehicle loading bay to support safe and efficient scheduled collections.
- (f) In Building C, Basement 1, an unobstructed access pathway of 1,800mm is to be provided to permit movement of retail waste, retail bulky waste and residential bulky waste between respective storage areas and the loading dock.
- (g) In Building C, Basement 1, a dividing wall is to be provided in the bulky waste storage area to prevent thoroughfare movements through the room.
- (h) Residential and commercial rooms are to be clearly labelled to ensure separation of residential and commercial waste management systems.

- (i) All bulky waste doors are to open outwards for safety purposes and to incorporate recessing from carriageways as required.

Reason

To ensure the development complies with Council's waste requirements.

(45) TEMPORARY WASTE ARRANGEMENT – BUILDING B

Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate for Building B, details showing the proposed interim arrangements for waste collection for Building B, including marked up drawings of placement and vehicle swept paths, are to be submitted to and approved by Council's Area Planning Manager.

Reason

To ensure the temporary waste management arrangement is approved.

(52) PUBLIC ART

In lieu of Public Art being installed on site to the City's satisfaction prior to the issue of any Occupation Certificate, a monetary contribution equivalent to \$1,064,000.00 must be made to Council through the Planning Agreement, prior to the issue of any ~~Construction Certificate for landscape works~~ **a Construction Certificate for Building A**.

Note: The City's Public Art Team must be informed of the payment of the contribution. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>. Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure the development contributes towards public art to the City's satisfaction.

(53) LANDSCAPING OF THE SITE

- (a) An updated landscape package and technical specification suitable for construction by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of any ~~CC1~~ **CC2** Construction Certificate. The plan 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, balustrades, services, furniture, shade structures, lighting and other features;

- (iii) The design of seats across the development are to be reviewed to provide seat heights between 400-450mm where possible without impact on soil depths. Seats mounted to the face of retaining walls should be considered;
 - (iv) Provision of 1.5m tall perimeter screening for wind mitigation around the Level 8 communal open space for Building groups D and E;
 - (v) Sectional details of earthworks, soil depths and volume including finished levels and any mounding. The minimum soil depths for planting on structure must be 800mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
 - (vi) Detailed planting plans and plant schedules with numbers and supply size. Planting design is to demonstrate compliance with recommendations of the Pedestrian Wind Study by RWDI dated 17 October 2024 (Council ref. 2024/599277);
 - (vii) Coordinated stormwater drainage design and location of drainage infrastructure;
 - (viii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, are to be submitted with the landscape package.
 - (c) Prior to the issue of an Occupation Certificate, the deep soil areas within residential development sites must be constructed as approved on drawing DA0003 Rev B. 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 the Principal Certifying Authority.
 - (d) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason

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

(55) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to any ~~CC1~~ **the relevant CC2** Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(56) 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 any ~~CC1~~ **the relevant CC2** Construction Certificate.

Car Parking Type	Number
Residential spaces	373
Accessible residential spaces	88
Residential visitor spaces	45
Retail parking	24
Accessible retail parking	4
Car share parking	6
Subtotal	540
Motorcycle parking	55
Car wash bay	3
Service vehicle spaces	5
Small Rigid Vehicle loading dock(s)	1
Medium Rigid Vehicle/ 10.6m waste truck loading dock(s)	2

Reason

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

(57) 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	647	Spaces must be a class 1 bicycle locker [1]
Residential visitor	63	Spaces must be Class 3 bicycle rails
Non-residential	6	Spaces must be Class 2 bicycle facilities
Non-residential visitor	17	Spaces must be Class 3 bicycle rails

End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	6	

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.

- (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 any ~~CC1~~ **the relevant CC2** 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.

(58) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A plan showing these spaces must be submitted to and approved by the Principal Certifier prior to the issue of any ~~CC1~~ **the relevant CC2** Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

Reason

To ensure car share spaces are provided within the development are maintained as common property.

(59) OPERATIONAL WASTE MANAGEMENT PLAN

The Operational Waste Management Plan accompanying the Development Application has not been approved.

An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of any **GG4 CC2** Construction Certificate. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must provide the following details:

- (a) Further details are to be provided outlining how waste will be managed by retail tenants to minimise impacts to the public domain and how separation between residential and commercial waste management systems will be achieved.
- (b) Detail how safe access for residents is provided to dispose of bulky cardboard and food organics on each core in the basement. Resident accessible rooms must not be located in rooms where chutes discharge.
- (c) Detail how safe positioning on the turntable will be achieved to eliminate the risk of waste vehicle collision with walls due to off-centre positioning.
- (d) For Loading Docks in Buildings A and D – Unobstructed access is to be provided for Council's standard waste collection vehicle to perform scheduled on-site collections within the designated loading bay between the hours of 6am and 6pm on collection days.
- (e) Include a note confirming that building management staff will be available during waste collection to assist with bin transfer as requested by the City of Sydney or its contractors.
- (f) Confirm provision of ride on bin moving equipment and flat trailer to support bin management and movement to loading dock for two sites (Building C/D/E & Buildings A/B).

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(60) LOADING DOCK AND BASEMENT MANAGEMENT PLAN

Prior to the issue of any **GG4 CC2** Construction Certificate, a revised Loading Dock and Basement Management Plan incorporating the following points is to be submitted to and approved by Council's Area Planning Manager:

- (a) Detail how safe positioning on the turntable will be achieved to eliminate the risk of waste vehicle collision with walls due to off-centre positioning.
- (b) For Loading Docks in Buildings A and D – Unobstructed access is to be provided for Council's standard waste collection vehicle to perform scheduled on-site collections within the designated loading bay between the hours of 6am and 6pm on collection days.
- (c) Confirm that building management staff will be available during waste collection to assist with bin transfer as requested by the City of Sydney or its contractors.

Reason

To ensure orderly development within the loading dock.

(61) WASTE INFRASTRUCTURE – RESIDENTIAL

(B) Prior to the issue of any **CC4 CC2** Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments*. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.
- (b) Waste chute system to be designed in accordance with Section B and Reference E of the City of Sydney Guidelines for Waste Management in New Developments. Proposed configuration of chute systems in waste chute discharge rooms including linear tracks and chute offset to be detailed in plan and section.
- (c) Integrated on-site waste collection and loading infrastructure to accommodate Councils standard 10.6m waste collection vehicle.

Reason

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

(62) WASTE INFRASTRUCTURE – COMMERCIAL

Prior to the issue of any **CC4 CC2** Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of Council's Guidelines for Waste Management in New Developments. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

Reason

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

(67) STORMWATER DRAINAGE DESIGN

Prior to issue of any **CC2** Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (d) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (e) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (f) Council's Stormwater Drainage Manual; and
- (g) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

To ensure stormwater drainage design complies with Council's requirements.

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 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 of the Sydney Local Environmental Plan 2012.
- (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 floor space ratio controls pursuant to clauses 4.4, 6.14 and 6.21D of the Sydney Local Environmental Plan 2012.

- (E) 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.
- (F) 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.
- (G) The proposal satisfies the relevant provisions and matters contained in clause 7.20 of the Sydney Local Environmental Plan 2012 relating to development requiring the preparation of a development control plan.
- (H) 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, 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.
- (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 Green Square Epsom Park locality.
- (J) Condition 1 was amended to correct an administrative error.
- (K) Condition 2 was amended to move some works to the second stage of development, to allow the commencement of excavation works without delay by avoiding the need to satisfy conditions unrelated to excavation. This change necessitated amendments to conditions 39, 44, 45, 53, 55 to 62 and 67 as a consequence.
- (L) Condition 3 was amended to correct an administrative error.
- (M) Condition 7 was amended to allow the Affordable Housing Contribution to be paid in two stages, and to correct a typographical error in relation to the total floor area for non-residential development.
- (N) Condition 52 was amended to ensure consistency with the timing of the monetary contribution specified in the Voluntary Planning Agreement.

Carried unanimously.

D/2024/514