

Central Sydney Planning Committee

Meeting No 448

Thursday 9 May 2019

Notice Date 3 May 2019

minutes

city of villages

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore (Chair), Mr Stephen Murray (Alternate Member to Mr Gary White, Chief Planner, NSW Department of Planning and Environment), Councillor Jess Scully, Councillor Professor Philip Thalys and The Hon Robert Webster.

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

The Lord Mayor, Mr Murray, Councillor Scully, Councillor Thalys and Mr Webster.

The Director City Planning Development and Transport was also present.

Apologies

Mr Poulet extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

Mr White extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

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

That the apologies from Mr Poulet and Mr White be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Order of Business

The Central Sydney Planning Committee agreed that the Order of Business be altered such that Item 5 be brought forward and dealt with before Item 4 so that the Section 4.55 Application to amend the concept development consent be considered prior to the Development Application for 44-48 O'Dea Avenue, Waterloo (Building C).

Item 1 Disclosures of Interest**(a) Section 451 of the Local Government Act 1993**

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

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Central Sydney Planning Committee.

Item 2 Confirmation of Minutes

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

That the minutes of the meeting of the Central Sydney Planning Committee of 7 March 2019, 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 7 March 2019.

Item 4 Development Application: 44-48 O'Dea Avenue Waterloo (Building C)

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

It is resolved that:

- (A) the written request seeking a variation to Clause 4.3 'height of buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; 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 No. D/2018/802, subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The departure from the height of building standards in cl 4.3 of the Sydney Local Environmental Plan 2012 is supported by a statement in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012. The statement demonstrates that compliance with the standard is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the extent of the variation proposed. The development is consistent with the objectives of Clause 4.3 - height of buildings development standard and the B4 - Mixed Use zone.
- (B) The development is consistent with the winning scheme of a competitive design process and achieves a high standard of architectural design, materials and detailing, with particular attention to the provision of green walls and landscaped terraces that will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (C) Subject to deferred commencement and design modification conditions, the development will provide a good standard of amenity and contribution to the public domain with regard to the design quality principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.
- (D) Subject to conditions, the development is in the public interest.

Carried unanimously.

D/2018/802

Item 5 Section 4.55 Application: 44-48 O'Dea Avenue Waterloo (Building C)

Moved by the Chair (the Lord Mayor), seconded by Mr Webster -

It is resolved that consent be granted to Section 4.55 Application No. D/2016/1450/F, and that the conditions of consent be amended (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~), as follows:

(A) Amend Condition (2) (a) to insert the following revised plans:

Drawing Number	Architect	Date
MP-100-006 Rev H I K L	Turner <i>Koichi Takada Architects and Silvester Fuller</i>	22 February 2017 13 August 2018 21 November 2018 <i>11 December 2018</i>
MP-250-101 Rev G I J	Turner <i>Koichi Takada Architects and Silvester Fuller</i>	17 February 2017 21 November 2018 <i>11 December 2018</i>
MP-350-101 Rev G K I J	Turner <i>Koichi Takada Architects and Silvester Fuller</i>	17 February 2017 15 October 2018 21 November 2018 <i>11 December 2018</i>

(B) Amend Condition 9 (a) to amend the maximum parapet and top of building heights for building C:

<i>Building Development component</i>	Top of the parapet (AHD)	Top of the building component (AHD)
Building C - Lot 12a	2 storey component 33.300	2 storey component 33.900
	3 storey component 36.400	3 storey component 37.000
	4 storey component 39.500	4 storey component 40.900
	5 storey component 42.600	5 storey component 43.200
	6 storey component 45.700	6 storey component 46.300

Building Development component	Top of the parapet (AHD)	Top of the building component (AHD)
Building C - Lot 12b	7 storey component 48.800	7 storey component 51.130
	8 storey component 51.900	8 storey component 54.430
	9 storey component 55.000	9 storey component 55.600
Building C - Lot 12c	19 storey component 85.500	19 storey component 86.600
	20 storey component 89.850	20 storey component 91.000

- (C) Amend Condition (63) to delete the requirement for a signage strategy to be submitted with the detailed design application for building C as follows:

(63) SIGNAGE STRATEGY

A detailed signage strategy shall be submitted with each Stage 2 development application **with the exception of building C**. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) 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.
- (B) The variations to the maximum height of buildings development standard, height in storeys control and maximum parapet and top of building heights under Condition (9) of the concept consent will not adversely impact the desired future character and amenity of the surrounding area. In particular, the modifications do not preclude the development potential of neighbouring sites with regard to solar access.
- (C) The building envelope as amended continues to achieve design excellence with regards to the provisions of Clause 6.21 of the Sydney Local Environmental Plan 2012 having regard to the desired future character of the Lachlan Precinct, the relationship to surrounding buildings and the public domain.
- (D) The development is in the public interest.

Carried unanimously.

D/2016/1450/F

Item 6 Post Exhibition - Planning Proposal – Heritage Listing of 1A Elizabeth Bay Road (Kingsley Hall), 22-24 Darlinghurst Road (The Bourbon) and 32-32A Darlinghurst Road (The Empire)

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition and public authority consultation of Planning Proposal – Heritage listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point, as shown at Attachment D to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal – Heritage listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979; subject to the following changes:
 - (i) amend page 20 so the item name of the heritage listing of The Empire reads “The site of the Empire Hotel” (not including built fabric); and
 - (ii) amend the recommended management section of the heritage inventory sheet for The Empire to read “The existing building can be demolished and replaced, provided the new building and uses interpret the original Les Girls venue as described under the heading for recommended management”; and
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 6 May 2019 that authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Heritage listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point to correct drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

X018038

Item 7 Public Exhibition - Planning Proposal - 46 Chisholm Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: 46 Chisholm Street, Darlinghurst, as shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal: 46 Chisholm Street, Darlinghurst 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 2019 that Council seek authority from the relevant local plan making authority, to exercise the delegation of the relevant local plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal: 46 Chisholm Street, Darlinghurst;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: 46 Chisholm Street, Darlinghurst following receipt of the Gateway Determination; and
- (E) the Central Sydney Planning Committee note the information in 'Appendix A - Weatherboard Cottages Comparative Study' prepared by John Oultram Heritage + Design at Attachment B to the Information Relevant To Item 7 for the Central Sydney Planning Committee on 9 May 2019 and incorporate it as an appendix to the supporting Heritage Assessment report of the 'Planning Proposal: 46 Chisholm Street, Darlinghurst' at Attachment A to the subject report.

Carried unanimously.

Speakers

Mr Joe Lombardo, Mr Philip Bull and Mrs Maria Kolb addressed the meeting of the Central Sydney Planning Committee on Item 7.

X020345

The meeting of the Central Sydney Planning Committee concluded at 5.55pm.

CHAIR