

Central Sydney Planning Committee

Meeting No 454

Thursday 13 February 2020

Notice Date 7 February 2020

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore (Chair), Deputy Lord Mayor - Councillor Jess Scully, Councillor Professor Philip Thalís, Ms Alex O'Mara, Ms Abbie Galvin and Mr Julian Frecklington.

At the commencement of business at 5.02 pm, those present were:-

The Lord Mayor, Councillor Scully, Councillor Thalís, Ms O'Mara, Ms Galvin, and Mr Frecklington.

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

Apologies

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

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

Mr Bruce James 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 Thalís –

That the apologies from Mr Persson, Mr Horne, and Mr James be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Item 1 Disclosures of Interest

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

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 5 December 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 5 December 2019.

Item 4 Public Exhibition - Planning Proposal: Central Sydney 2020 – Draft Sydney Development Control Plan 2012: Central Sydney - Draft Central Sydney Development Contributions Plan

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: Central Sydney 2020, as shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal: Central Sydney 2020, 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 and for not less than 28 days;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 10 February 2020 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: Central Sydney 2020;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Central Sydney 2020 following receipt of the Gateway Determination, including to correct any minor drafting errors;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 10 February 2020 that Council approve the draft amendments to the Competitive Design Policy shown at Attachment C to the subject report, for public exhibition concurrent with the Planning Proposal for a period of at least 28 days;
- (F) authority be delegated to the Chief Executive Officer to make minor amendments to the draft amendments to the Competitive Design Policy before its exhibition, including to correct any minor drafting errors;
- (G) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 10 February 2020 that Council approve the Draft Development Control Plan: Central Sydney, as shown at Attachment D to the subject report, for public exhibition concurrent with the draft Planning Proposal for a period of at least 28 days;
- (H) authority be delegated to the Chief Executive Officer to make minor amendments to the Draft Development Control Plan: Central Sydney before its exhibition, including to correct any minor drafting errors;

- (I) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 10 February 2020 that Council approve the Draft Central Sydney Development Contributions Plan 2020 shown at Attachment E to the subject report, for public exhibition concurrent with the draft Planning Proposal: Central Sydney 2020, for a period of at least 28 days; and
- (J) authority be delegated to the Chief Executive Officer to make minor amendments to the Draft Central Sydney Development Contributions Plan 2020 before its exhibition, including to correct any minor drafting errors.

Carried unanimously.

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Item 5 Section 4.55 Application: 57 Ashmore Street Erskineville - D/2015/966/C

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

It is resolved that consent be granted to Section 4.55 Application No. D/2015/966/C subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

(1) APPROVED STAGE 1 DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/966 dated 9 July 2015 and the following drawings:

Drawing Number	Architect	Date
DD01-02 Issue M-R S	Architectus	07/04/2017 13/11/2017 16 January 2020
DA01-03 Issue M	Architectus	07/04/2017
DA01-04 Issue L	Architectus	07/04/2017
DA01-05 Issue M-R S	Architectus	07/04/2017 13/11/2017 16 January 2020
DA01-06 Issue M-T U	Architectus	07/04/2017 13/11/2017 16 January 2020
DA01-07 Issue T-V W	Architectus	10/10/2017 13/11/2017 16 January 2020
DA01-10 Issue L	Architectus	07/04/2017
DA01-11 Issue U-Y AA AB	Architectus	10/10/2017 17/11/2017 15/06/18 16 January 2020

Drawing Number	Architect	Date
Site Locality and Indicative Phasing Plan	AECOM	22/09/2016

and as amended by the conditions of this consent and amended plans provided as required under deferred commencement condition (1).

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development as modified is substantially the same as that originally approved and is in accordance with the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979.
- (B) The proposed modifications ensure that the detailed design development applications are consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act 1979.
- (C) The increased height and bulk of the building envelopes for Blocks A and D are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. Variations to the height standard are reasonable and justified with regard to the detailed design development applications.
- (D) The development as modified is in the public interest.

Carried unanimously.

D/2015/966/C

Item 6 Development Application: Building A - 57 Ashmore Street Erskineville - D/2019/393

It is resolved that:

- (A) the Central Sydney Planning Committee support the variation sought to the development standard under Clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards' in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2019/393 subject to the conditions detailed at Attachment A to the subject report, subject to the following amendment (additions shown in ***bold italics***):

(3) DESIGN MODIFICATIONS - COMMUNAL OPEN SPACE AND ADJOINING APARTMENTS

The design of the communal open space and apartments A3.19 and A3.20 must be modified as follows:

- (a) The western external wall of unit A3.20 and private open space, and the external door accessing the rooftop communal open space is to be relocated east to align with the external wall of unit A3.19, and the internal layout is to be reconfigured as a two bedroom unit. The west facing glazing of unit A3.20 is to be high level and provided with a privacy screen.
- (b) The private open space of unit A3.19 is to be relocated to the south of the unit. Glazing in the western external wall is to be fitted with an operable privacy screen. Details of the design of the privacy screen are to be provided at 1:20.
- (c) A minimum 1m wide landscaped planter is to be provided along the eastern edge of the rooftop common open space to provide privacy for apartments A3.19 and A3.20.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of any Stage 2 Construction Certificate.

Two areas of deep soil, each with a minimum volume of 35m³, are to be provided within the central courtyard to accommodate trees with a minimum mature tree canopy width of 8m. The deep soil areas and tree pits are to be unencumbered by services, structure, and the like. This will result in the reduction of carparking spaces below, but will not adversely affect the carparking circulation, provision of waste facilities, and bike storage. The carpark, tree pits, soil profile, drainage and species are to be designed in conjunction with the amended landscape plans required under Condition 20 and the allocation of carparking required under Condition 30, to the satisfaction of Council's Director City Planning, Development and Transport, prior to the issue of any Stage 2 Construction Certificate.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is permissible in the B2 – Local Centre zone and consistent with the zone objectives.
- (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 of the Sydney LEP 2012, and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B2 - Local Centre zone and the height of buildings development standard.
- (C) The development achieves a high standard of architectural design, materials and detailing, with particular attention to the materials and provision of landscaping 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 exhibits design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 and consent may be granted.
- (D) The development is consistent with the concept approval granted under D/2015/966/C and the VPA for public domain works.
- (E) Subject to conditions, construction impacts can be managed to mitigate impacts on the amenity of neighbouring properties.
- (F) For the reasons above, the development is in the public interest.
- (G) Condition 3 was amended to ensure the provision of deep soil areas within the central courtyard.

Item 7 Development Application: 5-15 Dunning Avenue, Rosebery - D/2019/390

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

It is resolved that consent be granted to Development Application No. D/2019/390 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 development complies with the objectives of the B4 mixed use zone pursuant to the Sydney Local Environment Plan 2012.
- (B) The development is consistent with the permitted height and floor space ratio pursuant to clauses 4.3, 4.4, 6.14 and 6.21 of Sydney Local Environmental Plan 2012.
- (C) The development demonstrates design excellence as per clause 6.21 of Sydney Local Environmental Plan 2012.
- (D) The development is consistent with the concept approval consent pursuant to section 4.24(2) of the Environmental Planning and Assessment Act 1979.
- (E) The development, subject to conditions, meets the objectives of the Apartment Design Guide and is consistent with the design quality principles as per State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.

Carried unanimously.

D/2019/390

Item 8 Development Application: 133-141 Liverpool Street Sydney - D/2018/1144

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

It is resolved that:

- (A) consent be granted to Development Application No. D/2018/1144 subject to the conditions set out in Attachment A to the subject report; and
- (B) the 'Design Excellence Strategy for 133-141 Liverpool Street, Sydney dated 7 November 2019, prepared by City Plan on behalf of Catholic Archdiocese of Sydney, as shown in Attachment D to the subject report, be endorsed pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed envelope is generally consistent with the relevant planning controls and responds appropriately to the surrounding urban context.
- (B) The proposed envelope (as recommended for approval) does not result in significant environmental or amenity impacts on the surrounding properties or the public domain.
- (C) The proposed envelope (as recommended for approval) is capable of accommodating a development which can achieve design excellence.

Carried unanimously.

D/2018/1144

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The meeting of the Central Sydney Planning Committee concluded at 5.23pm.

CHAIR