

Central Sydney Planning Committee

Meeting No 467

Thursday 13 May 2021

Notice Date 7 May 2021

minutes

Index to Minutes

ITEM	PAGE NO
1. Disclosures of Interest	3
2. Confirmation of Minutes	3
3. Matters Arising from the Minutes	3
4. Public Exhibition - Planning Proposal - Oxford Street Creative Precinct - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment	4
5. Public Exhibition - Planning Proposal - Performance Standards for Net Zero Energy Buildings - Local Environmental Plans and Development Control Plan Amendments	7
6. Public Exhibition - Planning Proposal - 92-98 Brougham Street, Potts Point - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment	8

Present

The Right Hon The Lord Mayor - Councillor Clover Moore (Chair), Deputy Lord Mayor - Councillor Jess Scully, Councillor Professor Philip Thalys, Ms Alex O'Mara, Ms Abbie Galvin, Mr Dick Persson AM and Mr Richard Horne.

At the commencement of business at 5.05pm, those present were:

The Lord Mayor, Councillor Scully, Councillor Thalys, Ms O'Mara, Ms Galvin, Mr Persson and Mr Horne.

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

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

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 Scully –

That the minutes of the meeting of the Central Sydney Planning Committee of 25 March 2021, 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 25 March 2021.

Item 4 Public Exhibition - Planning Proposal - Oxford Street Creative Precinct - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal – Oxford Street Creative and Cultural Precinct, shown at Attachment A to the subject report, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal – Oxford Street Creative and Cultural Precinct, 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 seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Oxford Street Creative and Cultural Precinct;
- (D) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 10 May 2021 that Council approve the draft Development Control Plan – Oxford Street Creative and Cultural Precinct, shown at Attachment B to the subject report for public authority consultation and public exhibition together with the Planning Proposal subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strike through~~):
 - (i) Insert after section 5.X.2 the following text:

5.X.3 Built form and high-quality design on Taylor Square and other public spaces on Oxford Street

Taylor Square is an important public place, and is historically, visually and physically connected to the Darlinghurst Courthouse and former Darlinghurst Police station across Oxford street to the north. It is a complex public space extending from the courthouse buildings across Oxford Street, edged by heritage buildings on Flinders, Campbell, Bourke and Oxford Streets and the Rainbow Crossing. The angle at which Oxford Street bisects the grid creates a number of triangular or irregular shaped sites and public spaces at Oxford Square, Whitlam Square, Three Saints Square and Taylor Square. New buildings and additions to heritage buildings in these spaces must provide strong visual and physical edges to the public space through high-quality architecture and construction. Their architectural expression must complement the historical context and allow opportunities for contemporary design. Buildings must strongly define and enhance the quality of the space and provide opportunities for ground level activation.

Objectives

- (a) ***Establish an appropriate scale, massing and modulation for new development facing onto the public spaces listed at (i)-(iv) below, which frame, respect and respond to the place, architectural character, rhythm and grain of the existing built fabric of the high street.***
- (i) ***Taylor Square***
 - (ii) ***Oxford Square***
 - (iii) ***Whitlam Square***
 - (iv) ***Three Saints Square – corner of Oxford Street, Barcom Street and Victoria Street.***
- (b) ***Achieve a street wall height that reinforces the scale and framing of the public spaces listed in (a) and protect the view corridor along Oxford Street towards Hyde Park and the City skyline.***

Provisions

- (1) ***Development is to reinforce the significant view corridor along Oxford Street and views to buildings framing Taylor Square and street intersections and define corner sites through appropriate massing and façade design.***
- (2) ***Despite any other provision of the DCP, a reduced upper level setback, which may result in a nil upper level setback on heritage listed and contributory buildings facing Taylor Square, Oxford Square, Whitlam Square, and Three Saints Square may be considered where the Consent Authority is satisfied that the design outcome will be of the highest standard in the following areas:***
- (a) ***the relationship between the architectural language of the existing building and the addition, which is to enhance and emphasise the qualities of both the existing and new parts of the building; and***
 - (b) ***the design and construction quality of the facades, including exposed side walls and expression of the roof.***
- (ii) Amend (as per the ***bold italics***) including any consequential renumbering, subsection 5.X.4.3 Building alignment, setbacks and street frontage heights, to read as follows:
- (1) ***Street frontage heights are not to exceed the maximum height on the Street Frontage Height maps. Above the street wall, additional stories **on heritage listed and contributory buildings** are to be set back a minimum of 3 metres (Figure 5). Note that the maximum number of storeys shown on Map XX: Height in storeys includes attics and mezzanines.***
 - (2) ***A greater minimum setback than that detailed in 5.X.4.3(1) may be required if identified as part of a Conservation Management Plan or Statement of Heritage Principles.***

- (3) *A reduced setback, **which may include a nil setback on heritage listed and contributory buildings facing the squares referred to in 5.X.3, noted in Objectives (a)** may only be considered where the Consent Authority is satisfied that the design outcome will be of the highest standard in the following areas:*
- (a) *the relationship between the architectural language of the existing building and the addition, which is to be complementary and enhance and emphasize the qualities of both the existing and new parts of the building;*
 - (b) *the design and construction quality of the façades, including exposed side walls and expression of the roof.; ~~and~~*
 - (c) *~~the sustainability of the development.~~*
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Oxford Street Creative and Cultural Precinct and draft Development Control Plan – Oxford Street Creative and Cultural Precinct, to correct any drafting errors or to ensure consistency with any Gateway Determination; and
- (F) the Chief Executive Officer be requested to:
- (i) prepare further options for increased scale of buildings for sites south of Oxford Street along Flinders street and facing Taylor Square within the study boundary to:
 - (a) integrate any forthcoming urban ideas from the Sustainable Sydney 2050 project; and
 - (b) consider issues raised by Councillors and speakers about the design of the built form and its relationship to public space at the Transport, Heritage and Planning Committee on 10 May 2021;
 - (ii) seek public feedback on those options alongside the public exhibition of the Oxford Street cultural and creative precinct planning proposal and draft DCP; and
 - (iii) report the options and feedback to Council and the Central Sydney Planning Committee with any recommended amendments to the proposed planning controls.

Carried unanimously.

X026153

Note – Ms Alex O’Mara abstained from voting on Item 4 as she will potentially be expected to exercise statutory decision making as a delegate of the Minister for Planning and Public Spaces in the issue of a Gateway Determination.

Speaker

Mr Ben Mulcahy addressed the meeting of the Central Sydney Planning Committee on Item 4.

Item 5 Public Exhibition - Planning Proposal - Performance Standards for Net Zero Energy Buildings - Local Environmental Plans and Development Control Plan Amendments

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal – Performance Standards for Net Zero Energy Buildings, as shown at Attachment A of the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for a Gateway Determination;
- (B) authority be delegated to the Chief Executive Officer to make any variations to the Planning Proposal – Performance Standards for Net Zero Energy Buildings, following receipt of the Gateway Determination;
- (C) the Central Sydney Planning Committee approve the Planning Proposal – Performance Standards for Net Zero Energy Buildings, as shown at Attachment A of the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 10 May 2021 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 the Planning Proposal – Performance Standards for Net Zero Energy Buildings;
- (E) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 10 May 2021 that Council approve the Draft *Development Control Plan 2012 – Performance Standards for Net Zero Energy Buildings 2021*, shown at Attachment B of the subject report, for public authority consultation and public exhibition as both a development control plan and design guide concurrent with the planning proposal; and
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to the Draft *Development Control Plan – Performance Standards for Net Zero Energy Buildings 2021* to correct any drafting errors and ensure it is consistent with the planning proposal following the Gateway Determination.

Carried unanimously.

X012106.011

Note – Ms Alex O’Mara abstained from voting on Item 5 as she will potentially be expected to exercise statutory decision making as a delegate of the Minister for Planning and Public Spaces in the issue of a Gateway Determination.

**Item 6 Public Exhibition - Planning Proposal - 92-98 Brougham Street, Potts Point
- Sydney Local Environmental Plan 2012 and Sydney Development Control
Plan 2012 Amendment**

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

It is resolved that:

- (A) the Central Sydney Planning Committee note matters raised in response to the public exhibition of the Planning Proposal – 92-98 Brougham Street, Potts Point, as detailed in this report and as shown in Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal – 92-98 Brougham Street, Potts Point, as shown at Attachment B to the subject report, to be made as a local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – 92-98 Brougham Street, Potts Point, as shown at Attachment B to the subject report to correct any minor errors or omissions prior to finalisation.

Carried unanimously.

X037821

Speaker

Mr Stephen Gouge addressed the meeting of the Central Sydney Planning Committee on Item 6.

The meeting of the Central Sydney Planning Committee concluded at 5.50pm.

CHAIR

