

Central Sydney Planning Committee

Meeting No 481

Thursday 8 December 2022

Notice Date 2 December 2022

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore (Chair), Councillor Jess Scully, Councillor HY William Chan, Ms Abbie Galvin, Mr Brett Whitworth, Mr Dick Persson AM and Mr Richard Horne.

At the commencement of business at 5.28pm, those present were:

The Lord Mayor, Councillor Scully, Councillor Chan, Ms Galvin, Mr Whitworth, Mr Persson and Mr Horne.

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Mr Whitworth was attending the meeting of the Central Sydney Planning Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

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

Mr Brett Whitworth disclosed a less than significant non-pecuniary interest in Item 8, in that he is a member of the Heritage Council of NSW. The Heritage Council Approvals Committee, a delegated sub-committee of the Heritage Council, has given general terms of approval for this Item. Mr Whitworth stated that he considers this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he is not a member of the Approvals Committee.

No other Members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for 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 17 November 2022, 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 17 November 2022.

Item 4 Development Application: 42 Pirrama Road, Pyrmont - D/2021/1058

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

It is resolved that deferred commencement consent be granted to Development Application No. D/2021/1058 subject to the conditions set out in Attachment A to the subject report to the Central Sydney Planning Committee on 8 December 2022, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination.

(1) DESIGN MODIFICATION

Amended plans are to be prepared and submitted to and approved by the Director City Planning, Development and Transport demonstrating the following design amendments:

- (a) *That the ground floor level support columns for Building F (located on its northern and north-western elevations) be modified to be vertical timber columns in the same location, rather than being angled columns.***

The amended design is to be accompanied by information confirming the design is structurally satisfactory.

- (b) *That the small ‘Tech Pavilion’ and its associated connection bridge to the REVY A building be deleted from the proposal. As a result of the deletion, no penetrations must be made into the heritage building in this area.***

Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Schedule 2 - Conditions of Consent (Once the Consent is Operation) of the subject report.

Reason

To improve the streetscape presentation of the development and to increase/retain views towards the REVY building from the public domain (from Darling Island Road).

(Remaining conditions to be renumbered accordingly)

(5) ADDITIONAL DRAWINGS

The following drawings are to be submitted to and approved by Council's ~~Area Coordinator Planning Assessments / Area Planning Manager~~ **Director City Planning Development and Transport** prior to the issue of a Construction Certificate:

- (a) Detailed annotated sections through each new building facade at a scale of 1:20.
- (b) Floor plans of the ~~Tech Pavilion and~~ Plant Pavilion are to be provided at a scale of 1:50.
- (c) Details of the boundary fence design are to be provided.
- (d) The louvre blind facade system within Building F ~~and the Tech Pavilion~~ is to be timber. Details must be provided as part of the materials and samples board.
- (e) Amended plans, sections and an engineer's report are to be submitted making allowance for the green roof with structures and wet soil load up to 900mm depth and to demonstrate the balustrade design at the terrace edge and location of storage areas for loose furniture.

Reason

To require additional supporting documentation following assessment of the development.

(10) BUILDING HEIGHT

- (a) The height of the building must not exceed:
 - (i) Plant Pavilion – RL10.200
 - (ii) ~~Tech Pavilion – RL6.900~~
 - (iii) Hot Water Plant Pavilion – RL7.00
 - (iv) Building F Rooftop (excluding plant) – RL14.800
 - (v) Building F Plant – RL15.650
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(17) ~~USE OF THE TECH PAVILION~~

~~The Tech Pavilion is to be limited to a maximum of 55 persons and is to be used only by staff members and invited visitors in association with the commercial office premises. The Tech Pavilion must not be accessible by the general public.~~

Reason

~~To protect the amenity of nearby noise sensitive receivers.~~

Foreshadowed motion. The Chair (the Lord Mayor) foreshadowed that, should the motion be lost, she would move an alternative motion.

The motion was lost on the following show of hands:

Ayes (3) Councillor Chan, Ms Galvin and Mr Persson

Noes (4) The Chair (the Lord Mayor), Councillor Scully, Mr Whitworth and Mr Horne

Motion lost.

The Chair (the Lord Mayor) then moved her foreshadowed motion, seconded by Councillor Scully, as follows:

It is resolved that consent be granted to Development Application No. D/2021/1058 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

- (A) The application was approved for the following reasons:
- (B) The proposal has been assessed against Section 4.15 of the Environmental Planning and Assessment Act 1979, and it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (C) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the objectives of the B4 Mixed Use zone.
- (E) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (F) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (G) The proposal exhibits design excellence in accordance with Part 6, Division 4 of the Sydney Local Environmental Plan 2012.
- (H) The proposal has a height and form suitable for the site and its context and results in a positive heritage response in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (I) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (J) The proposed land uses do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties and the public domain, subject to the recommended conditions.

The motion was carried on the following show of hands:

Ayes (5) The Chair (the Lord Mayor), Councillor Scully, Mr Whitworth, Mr Persson and Mr Horne

Noes (2) Councillor Chan and Ms Galvin

Motion carried.

D/2021/1058

Speakers

Jean-Baptiste Marigo (Google) – on behalf of the applicant, Sven Ollmann (Warren and Mahoney Architecture) – on behalf of the applicant, Graham Brooks (GBA Heritage) – on behalf of the applicant, and Michael Rowe (Ethos Urban) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

Adjournment

At this stage of the meeting, at 6.33pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting be adjourned for approximately 10 minutes.

The motion was carried unanimously.

All members were present at the resumption of the meeting of the Central Sydney Planning Committee at 6.41pm.

Item 5 Development Application: 201-217 Elizabeth Street, Sydney - D/2022/362

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

It is resolved that:

- (A) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances of the subject development application;
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable and unnecessary in the circumstances of the subject development application; and
- (C) consent be granted to Development Application No. D/2022/362 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 proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, 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) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (C) The articulation, materiality and sustainability measures of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (D) The proposed development has a height, scale and form suitable for the site, existing tower and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (E) The development does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain, and the broader locality, subject to the recommended conditions.
- (F) The proposed mix of commercial and retail land uses will support the vitality of the area and improve the activation of the site and through-site link.
- (G) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City officers, the City's Design Advisory Panel, and the community, subject to recommended conditions included in Attachment A.

Carried unanimously.

D/2022/362

Speakers

Greg Pearce, Mark Stante (Charter Hall) – on behalf of the applicant, and Chris Ferreira (Ethos Urban) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 5.

Item 6 Public Exhibition - Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland, 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;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 5 December 2022 that Council seek authority from the Department of Planning and Environment 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 Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 5 December 2022 that Council approve Draft Sydney Development Control Plan 2012 - 118-130 Epsom Road and 905 South Dowling Street, Zetland, shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland and Draft Sydney Development Control Plan 2012 - 118-130 Epsom Road and 905 South Dowling Street, Zetland to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 5 December 2022 that authority be delegated to the Chief Executive Officer to prepare and exhibit a draft planning agreement in accordance with the letter of offer dated 3 November 2021 at Attachment C to the subject report and the requirements of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

X087876

Speakers

Councillor Philipa Veitch (Randwick West Ward), and Matthew Lennartz (Meriton), addressed the meeting of the Central Sydney Planning Committee on Item 6.

Item 7 Public Exhibition - Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst as shown as Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst 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;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 5 December 2022 that Council seek authority from the Department of Planning and Environment 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 - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst to ensure consistency with the Gateway Determination.

Carried unanimously.

X083757

Speaker

Bruce Meagher (Griffin Theatre Company) addressed the meeting of the Central Sydney Planning Committee on Item 7.

Item 8 Post Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012 Amendment

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

It is resolved that:

- (A) the Central Sydney Planning Committee note matters raised in response to the public exhibition of Planning Proposal - Heritage Floor Space Amendment, as shown in Attachment E to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal - Heritage Floor Space Amendment, as amended, following the Gateway Determination and as shown at Attachment A to the subject report, and request the relevant local plan making authority make the amendment as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal – Heritage Floor Space Amendment to correct any minor errors or omissions prior to finalisation; and
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 5 December 2022 that Council approve the amendment to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B.

Carried unanimously.

X091559

**Item 9 Approved Variations to Development Standards Reported to the
Department of Planning and Environment**

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

It is resolved that the subject report be received and noted.

Carried unanimously.

S040864

The meeting of the Central Sydney Planning Committee concluded at 7.32pm.

CHAIR