

Central Sydney Planning Committee

Meeting No 484

Thursday 11 May 2023

Notice Date 5 May 2023

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore (Chair), Councillor HY William Chan, Councillor Robert Kok, Ms Abbie Galvin, Mr David Gainsford, Mr Dick Persson AM and Mr Richard Horne.

At the commencement of business at 5.04pm, those present were:

The Lord Mayor, Councillor Chan, Councillor Kok, Ms Galvin, Mr Gainsford, Mr Persson and Mr Horne.

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

Councillor Chan left the meeting at 5.17pm and returned at 5.22pm. Councillor Chan was not present at the meeting of the Central Sydney Planning Committee during discussion or voting on Item 6.

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

Councillor HY William Chan disclosed a pecuniary interest in Item 6 on the agenda in that he is an employee of Sydney University.

Councillor Chan stated that he would not be voting on this item.

At a later stage of the meeting, during discussion on Item 8, Councillor Chan disclosed a less than significant, non-pecuniary interest in Item 8 on the agenda in that he had previously worked on Transport for NSW's Sydney Metro West urban design and master planning, including for Hunter Street station.

Councillor Chan stated that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because his involvement was for the Metro stations only and he was not involved in the over-station developments relevant to this item.

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 Kok –

That the minutes of the meeting of the Central Sydney Planning Committee of 9 March 2023, 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 9 March 2023.

Item 4 Modification Application: 525-529 George Street, Sydney - D/2019/758/A

Moved by the Chair (the Lord Mayor), seconded by Mr Persson –

It is resolved that consent be granted to Section 4.55 Application No. D/2019/758/A subject to the amendment of the following conditions (with additions shown in **bold italics** and deletions shown in ~~strikethrough~~):

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/758 dated 16 July 2019, as amended, and the following drawings prepared by Candalepas Associates:

Drawing Number	Issue	Drawing Name	Date
4404 <i>S4.55-1</i> <i>1101</i>	B	Building Envelope – Plan	12.03.2020 <i>04.11.2022</i>
4304 <i>S4.55-1</i> <i>1301</i>	B	Building Envelope – East Elevation	12.03.2020 <i>04.11.2022</i>
4302 <i>S4.55-1</i> <i>1302</i>	B	Building Envelope – West Elevation	12.03.2020 <i>04.11.2022</i>
4303 <i>S4.55-1</i> <i>1303</i>	B	Building Envelope – North Elevation	12.03.2020 <i>04.11.2022</i>
4304 <i>S4.55-1</i> <i>1304</i>	B	Building Envelope – South Elevation	12.03.2020 <i>04.11.2022</i>
4350 <i>S4.55-1</i> <i>1350</i>	B	Building Envelope – Axonometrics	12.03.2020 <i>04.11.2022</i>
2102	B	Indicative Scheme – Basement 1	12.03.2020
2103	B	Indicative Scheme Lower Ground Floor	12.03.2020

and as amended by the conditions of this consent.

- (b) Drawing numbers 2101 and 2103 referenced in (a) above are only approved in terms of the location of the driveway and breakthrough panel through to the basement of 505-523 George Street. No other details on these drawings are approved under this consent.
- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(Condition amended – D/2019/758/A – 11 May 2023)

(4) ENVELOPE HEIGHT

The height of the approved envelope must not exceed RL ~~169.12~~ ***172.51*** (AHD).

(Condition amended – D/2019/758/A – 11 May 2023)

(6) FLOOR SPACE RATIO

- (a) The Floor Space Ratio for all detailed development applications on the site must ~~not exceed the maximum permissible~~ **be** calculated in accordance with the relevant clauses of the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.
- (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(Condition amended – D/2019/758/A – 11 May 2023)

SCHEDULE 1B - GOVERNMENT AGENCY CONDITIONS**(33) SYDNEY AIRPORT CORPORATION LIMITED / DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, CITIES AND REGIONAL DEVELOPMENT**

- (a) The building must not exceed a maximum height of ~~167.4 metres~~ **175.6 metres AHD**, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- (c) The Proponent must ~~advise~~ **advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-216.
- (d) On completion of construction of the building, the Proponent must provide ~~the airfield design manager~~ **SACL** with a written report from certified surveyor on the finished height of the building.
- (e) ***A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.***
- (f) Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

(Condition amended – D/2019/758/A – 11 May 2023)

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposed modifications ensure that the detailed design development application is consistent with the concept approval, in order to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modifications are consistent with and are considered acceptable having regard to the reasons given for the original approval in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP 2012) and Sydney Development Control Plan 2012 (SDCP 2012) for the reasons set out in the report.
- (E) The modified building envelopes can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the SLEP 2012.
- (F) The increased height and bulk of the building envelopes are in keeping with the desired future character of the area. These variations are reasonable and justified with regard to the concurrent detailed design development application D/2022/481.
- (G) The changes to the approved building envelopes are appropriate and are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (H) The development as modified is in the public interest.

Carried unanimously.

Speakers

Angelo Candalepas (Candalepas Associates) – on behalf of the applicant, Giovanni Cirillo (Planning Lab) – on behalf of the applicant, and Matt Duff (EVT) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 4.

D/2019/758/A

Item 5 Development Application: 525-529 George Street, Sydney - D/2022/481

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

It is resolved that:

- (A) the variation requested to the Height of Buildings development standard, in accordance with clause 4.6 exceptions to development standards of the Sydney Local Environmental Plan 2012 (SLEP 2012) be upheld;
- (B) the variation requested to the Floor Space Ratio development standard, in accordance with clause 4.6 exceptions to development standards of the SLEP 2012 be upheld; and
- (C) consent be granted to Development Application No D/2022/481, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 11 May 2023, subject to the following amendments (additions shown in *bold italics*, deletions shown in ~~strikethrough~~):

(53) OPERATIONAL USE *DETAILS* AND FIT OUT - SEPARATE DA REQUIRED

No consent is granted or implied for the fit out ~~or specific use~~ ***and operational details*** of:

- (a) The restaurant and bar located at lower ground floor level.
- (b) The hotel café located at lower ground floor level.
- (c) The retail tenancies (Retail 01, 02 and 03) located at upper ground floor level.
- (d) The cinema.
- (e) The function centre located on level four.

A development application/s is required to be obtained for the fit out and operational ~~use~~ ***details*** of the above uses prior to that fit out or use commencing.

Reason

To require separate consent to be obtained for a use ***the fit out and operational details***.

(62) 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 Accredited Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	44 63
Accessible residential spaces	44 18
Valet/hotel parking	34 29
Accessible valet/hotel parking	4 2
Subtotal	87 112
Motorcycle parking	6 9
Service vehicle spaces (SRV Size)	2
Medium rigid vehicle loading dock(s) (able to accommodate 1X 9.25m Council Garbage Collection vehicle or 2x 8.8m MRV or a combination of 4x SRV/B99 van size vehicle in Tandem as shown in TRAFFIX Traffic Report ref 18.362r09v02 Date 3 Feb 2023.)	1
Hotel drop off and pick up	1
Accessible Hotel drop off and pick up	1
Total	98 126

Reason

To ensure the allocation of parking is in accordance with the Council's Development Control Plan.

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 site's planning controls 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:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the SLEP 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 SLEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the SP5 Metropolitan Centre zone and the Height of Buildings development standard.
- (C) 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 SLEP 2012, that compliance with the Floor Space Ratio (FSR) development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the SLEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the SP5 Metropolitan Centre zone and the FSR development standard.
- (D) The proposal is consistent with the objectives of the SP5 Metropolitan Zone of SLEP 2012.
- (E) The development, subject to conditions, is generally consistent with the applicable State Environmental Planning Policies, the Apartment Design Guide (ADG), the SLEP 2012 and the Sydney Development Control Plan 2012 (SDCP 2012).
- (F) The built form is of a high quality and consistent with the future desired character of the area. Subject to conditions, the proposed development is considered to exhibit design excellence and will make a positive contribution to the public domain and the Sydney skyline and streetscape.
- (G) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (H) The proposed development is consistent with the amended concept approval for the site, being D/2019/758/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (I) The proposed development has a height, scale and form suitable for the site 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.
- (J) 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.

- (K) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Sydney Central Business District, subject to the recommended conditions.
- (L) 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 and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.
- (M) For the reasons above and as detailed in the assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.
- (N) Condition 53 was amended to clarify that a development application/s is required for the fit out and operational details of the uses located within the podium.
- (O) Condition 62 was amended to reflect the correct car parking and motorcycle parking allocation as shown in the assessment report and accompanying architectural plans.

Carried unanimously.

Speakers

Angelo Candalepas (Candalepas Associates) – on behalf of the applicant, Giovanni Cirillo (Planning Lab) – on behalf of the applicant, and Matt Duff (EVT) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 5.

D/2022/481

Item 6 Public Exhibition - Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge, 90 and 100-104 Brougham Street, Potts Point, and 85-93 Commonwealth Street, Surry Hills - Sydney Local Environmental Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge as shown at Attachment A to the subject report:
 - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
 - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point as shown at Attachment B to the subject report:
 - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
 - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee approve the Planning Proposal - 85-93 Commonwealth Street, Surry Hills, as shown at Attachment C to the subject report:
 - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
 - (ii) 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, Environment and Planning Committee on 8 May 2023 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 Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X082392

Item 7 Post 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 Chan –

It is resolved that:

- (A) the Central Sydney Planning Committee note the issues raised in the Summary of Submissions as shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Stables Theatre, 10 and 12 Nimrod Street, Darlinghurst (as amended) at Attachment B to the subject report to be made as a local environmental plan under s3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - Stables Theatre, 10 and 12 Nimrod Street, Darlinghurst (as amended) to correct any minor errors prior to finalisation.

Carried unanimously.

X083757

Item 8 Post Exhibition - Planning Proposal - Sydney Metro West Hunter Street Station Sites, Sydney - Sydney Local Environmental Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney, draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney and the draft Planning Agreements for the east and west sites as shown in Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney, shown at Attachment B to the subject report, to be sent to the Department of Planning and Environment to be made as a local environmental plan;
- (C) the Central Sydney Planning Committee note the recommendation to the Transport, Heritage, Environment and Planning Committee on 8 May 2023 that Council approve the draft Design Guidelines - Sydney Metro West Hunter Street Station sites, as amended, shown at Attachment C to the subject report, noting the design guidelines will be endorsed by the Planning Secretary and come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney and draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney to correct any minor errors, omissions or inconsistencies prior to finalisation; and
- (E) the Central Sydney Planning Committee note the draft Voluntary Planning Agreements for the east and west sites, as shown at Attachment D to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

Carried unanimously.

X089148

Thursday 11 May 2023

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The meeting of the Central Sydney Planning Committee concluded at 5.30pm.

CHAIR