

Central Sydney Planning Committee

Meeting No 485

Thursday 22 June 2023

Notice Date 16 June 2023

minutes

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Present

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

At the commencement of business at 5.16pm, those present were:

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

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

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 11 May 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 11 May 2023.

Item 4 Development Application: 262-266 Castlereagh Street and 271-279 Elizabeth Street, Sydney - D/2022/152

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application D/2022/152, after concurrence from Sydney Metro is received in accordance with Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- (B) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, nor might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.

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 and its context, and 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 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/2022/152

Speakers

Giovanni Cirillo (Planning Lab), Angelo Candalepas (Candalepas Associates), and Glenn Murcutt (Candalepas Associates) addressed the meeting of the Central Sydney Planning Committee on Item 4.

Item 5 Development Application: 330 Botany Road, Alexandria - D/2021/1484

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2021/1484, following the conclusion of the public exhibition of the draft Voluntary Planning Agreement and considering any public submissions received in response;
- (B) authority be delegated to the Chief Executive Officer to determine whether the Design Excellence Strategy for 330-332 Botany Road, Alexandria, prepared by Ethos Urban on behalf of City West Housing and dated 17 May 2023, as shown at Attachment F to the subject report, ought to be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (C) if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, to granting deferred commencement consent to Development Application No. D/2021/1484 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 concept proposal is for a building envelope for a mixed-use development including commercial uses and residential apartments for the purpose of providing affordable housing. The proposal secures public benefits comprising land dedication and embellishment works for footpath widening and payment of a monetary contribution towards community infrastructure provision in Green Square. The mixed-use development contains shop-top housing for the purposes of affordable housing and may be carried out on the land which is identified as "Business Area" on the Locality and Site Identification Map and in accordance with the provisions contained at clause 7.13A of the Sydney Local Environmental Plan 2012.

- (B) The proposed envelope complies with the 33m to 40m height controls pursuant to clause 4.3 and are capable of accommodating development that complies with the floor space ratio controls pursuant to clauses 4.4, 6.14 and 6.21D of the Sydney Local Environmental Plan 2012.
- (i) The concept proposal is capable of satisfying the relevant objectives of the Sydney Development Control Plan 2012.
 - (ii) The concept proposal and Design Excellence Strategy establish a concept building envelope and suitable parameters for a competitive design process. Subject to the recommended conditions, the proposed envelopes can accommodate a detailed building design of an appropriate bulk and scale, that responds to the character of the area, and which is capable of achieving design excellence.

Carried unanimously.

D/2021/1484

Speaker

Lisa Sorrentino (City West Housing) addressed the meeting of the Central Sydney Planning Committee on Item 5.

Item 6 Post 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 Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of the Planning Proposal: 118-130 Epsom Road and 905 South Dowling Street, Zetland, Draft Sydney Development Control Plan 2012: 118-130 Epsom Road and 905 South Dowling Street, Zetland and Draft Planning Agreement: 118-130 Epsom Road and 905 South Dowling Street, Zetland as shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee note the Chief Executive Officer will, in accordance with the requirements of the Environmental Planning and Assessment Act 1979, prepare and exhibit an amended draft planning agreement, to that shown at Attachment D to the subject report, to be prepared in accordance with the public benefit offer dated 16 June 2023, shown at Attachment A to the subject Information Relevant To Memorandum;
- (C) subject to the execution of a planning agreement, generally in accordance with the public benefit offer dated 16 June 2023 at Attachment A to the subject Information Relevant To Memorandum, the Central Sydney Planning Committee approve the Planning Proposal: 118-130 Epsom Road and 905 South Dowling Street, Zetland shown at Attachment B to the subject report, as amended following public exhibition, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) the Central Sydney Planning Committee note the recommendation of Council's Transport, Heritage, Environment and Planning Committee on 19 June 2023 that Council approve Draft Sydney Development Control Plan 2012: 118-130 Epsom Road and 905 South Dowling Street, Zetland shown at Attachment C to the subject report, as amended following public exhibition, noting the development control plan will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021;
- (E) authority be delegated to the Chief Executive Officer to make minor variations to the 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 minor errors prior to finalisation; and
- (F) the Central Sydney Planning Committee note that the planning agreement will be signed by the Chief Executive Officer under existing delegations.

Carried unanimously.

X087876

Speakers

James Luo (Kimberley Estate Strata Committee), Councillor Philipa Veitch (Randwick Council), and Matthew Lennartz (Meriton) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 6.

Item 7 Post Exhibition - Planning Proposal - Affordable Housing Program Update - Sydney Local Environmental Plan 2012, Sydney Local Environmental Plan (Green Square Town Centre) 2013, Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013, Draft City of Sydney Affordable Housing Program 2022 and Draft Affordable Housing Contributions Interim Distribution Plan

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: City of Sydney Affordable Housing Program Update and draft City of Sydney Affordable Housing Program Amendment 2022 and draft City of Sydney Affordable Housing Contributions Interim Distribution Plan, as described at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal: City of Sydney Affordable Housing Program Update, shown at Attachment B to the subject report, as amended, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979, subject to the making of minor amendments to align the Planning Proposal with the resolution at (C);
- (C) the Central Sydney Planning Committee note the recommendation to Council's Housing For All Committee on 19 June 2023 that Council approve the draft City of Sydney Affordable Housing Program Amendment 2022, shown at Attachment C to the subject report, as amended, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021, subject to the following amendments as underlined:
- (i) ***amendment of Section 2.1.6 – Satisfying a contributions requirement by dedicating dwellings, to read at the second dot-point “affordable rental dwellings are owned by government or a nominated and Recommended and Eligible CHP or as otherwise provided for in any distribution plan adopted by Council”;***
 - (ii) ***amendment of Section 2.1.6 – Satisfying a contributions requirement by dedicating dwellings, to read at the last paragraph “Appendix C details the process for dedicating dwellings for affordable housing unless otherwise provided for in any distribution plan adopted by Council”;***
 - (iii) ***amendment of Section 2.9.1 – How in-kind contributions are to be used, to read “In-kind contributions of affordable housing dwellings are to be given/dedicated, free of cost, to a Recommended CHP, or as otherwise provided for in any distribution plan adopted by Council as identified in a Distribution Plan. Where dedication is in accordance with this Program, ~~in~~ in the circumstances that no Recommended CHP is willing to accept the in-kind contribution, then it may instead be given/dedicated by the developer to another Eligible CHP according to the terms of any planning agreement. In-kind contributions are to remain affordable housing in perpetuity and to be owned and managed ~~by the receiving CHP~~ in accordance with this Program.”***
- (D) the Central Sydney Planning Committee note the recommendation to Council's Housing For All Committee on 19 June 2023 that Council approve the draft City of Sydney Affordable Housing Contributions Interim Distribution Plan, shown at Attachment D to the subject report, as amended, noting it will not commence until 1 July 2024;

- (E) the Central Sydney Planning Committee note that following further research and stakeholder consultation it is intended that a final distribution plan will be reported to Council prior to 1 July 2024; and
- (F) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal: City of Sydney Affordable Housing Program Update, the draft City of Sydney Affordable Housing Program Amendment 2022 and the draft City of Sydney Affordable Housing Contributions Interim Distribution Plan, to correct any drafting errors or inconsistencies, prior to finalisation.

Carried unanimously.

X084801

Speaker

Leonie King (City West Housing) addressed the meeting of the Central Sydney Planning Committee on Item 7.

**Item 8 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

**Item 9 Summary of Applications to be Reported to the Central Sydney Planning
Committee**

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

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

Carried unanimously.

S042755-02

The meeting of the Central Sydney Planning Committee concluded at 6.41pm.

CHAIR