

# Central Sydney Planning Committee

Meeting No 486

Thursday 17 August 2023

Notice Date 11 August 2023



## **Index to Minutes**

IIEN	Λ	PAGE NO
1.	Disclosures of Interest	3
2.	Confirmation of Minutes	3
3.	Matters Arising from the Minutes	3
4.	Modification Application: 133-141 Liverpool Street, Sydney - D/2018/1144/A	4
5.	Development Application: 133-141 Liverpool Street, Sydney - D/2022/495	6
6.	Public Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - Sydney Local Environmental Plan 2012 Amendment	13
7.	Post Exhibition - Planning Proposal - Retail Review and Retail Parking - Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 Amendment	14
8.	Post Exhibition - Planning Proposal - 923-935 Bourke Street Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment	15

## **Present**

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

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

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

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

The Lord Mayor left the meeting of the Central Sydney Planning Committee at 6.04pm, before discussion and the vote on Item 8, and did not return.

Following the departure of the Lord Mayor, the Deputy Chair (Ms Galvin) chaired the remainder of the meeting.

# **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

The Chair (the Lord Mayor) made the following disclosures:

 a less than significant non-pecuniary interest in Items 4 and 5 on the agenda, in that she is currently in the process of acquiring an apartment in a separate Deicorp-owned development within Green Square.

The Chair (the Lord Mayor) stated that she considers this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no connection between the City's assessment of the applications and her private purchase of this separate property, and she has no discussed nor had any contact with Deicorp in relation to this matter.

• a pecuniary interest in Item 8 on the agenda, in that her husband owns shares in Woolworths Group, the landowner for the site in this planning proposal.

The Chair (the Lord Mayor) stated that she would not be voting on 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 Councillor Kok, seconded by Councillor Chan -

That the minutes of the meeting of the Central Sydney Planning Committee of 22 June 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 22 June 2023.

# Item 4 Modification Application: 133-141 Liverpool Street, Sydney - D/2018/1144/A

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

It is resolved that consent be granted to Section 4.55 Application Number D/2018/1144/A subject to the amendment of the following conditions (with modifications shown in **bold italics** (additions) and strikethrough (deletions), as follows:

# (1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2018/1144 dated 21 September 2018 and the following drawings prepared by Candalepas Associates:

Drawing Number	Drawing Name	Date
DA-1-1001 C	Site Analysis Plan	19 April 2019
DA-1-1050 <b>C M</b>	Streetscape – Castlereagh St	<del>19 April 2019</del> 29 June 2022
DA-1-1051 M	Streetscape – Liverpool St	29 June 2022
DA-1-1100 <b>C M</b>	Building Envelope Plan	<del>19 April 2019</del> 29 June 2022
DA-1-1301 <b>C M</b>	Building Envelope North & East Elevation	<del>19 April 2019</del> 29 June 2022
DA-1-1302 <b>C M</b>	Building Envelope South & West Elevation	<del>19 April 2019</del> 29 June 2022

and as amended by the conditions of this consent.

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

(Condition amended – D/2018/1144/A – 17 August 2023)

#### (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

(a) The tower envelope is to have a minimum weighted average setback of 8m above the podium along the Liverpool Street frontage.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the commencement of a competitive design process.

(Condition deleted - D/2018/1144/A - 17 August 2023)

#### **Reasons for Decision**

The application is 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 modification ensures 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 modification is consistent with and is 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 envelope can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the SLEP 2012.
- (F) The change to the approved building envelope setback to Liverpool Street is not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (G) The development as modified is in the public interest.

Carried unanimously.

D/2018/1144/A

#### **Speakers**

Kit Lee.

Ryan Campbell (ABC Consultants) – on behalf of the applicant, Stephen Kim (El Australia) – on behalf of the applicant, Angelo Candalepas (Candalepas Associates) – on behalf of the applicant, Fouad Deiri (Deicorp) – on behalf of the applicant and Giovanni Cirillo (Planning Lab) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 4.

# Item 5 Development Application: 133-141 Liverpool Street, Sydney - D/2022/495

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

It is resolved that consent be granted to Development Application No. D/2022/495 subject to the conditions set out in Attachment A to the subject report to the Central Sydney Planning Committee on 17 August 2023, subject to the following amendments (additions shown in **bold italics**, deletions shown in **strikethrough**):

# (1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2022/495 dated 30 May 2022 and the following architectural drawings prepared by Candalepas Associates and stratum subdivision drawings LTS:

Architectural Drawings – Candalepas Associates			
Drawing Number	Drawing Name	Date	
DA-2-1001 (Issue E)	Basement 8	7 June 2023	
DA-2-1002 (Issue E)	Basement 7	7 June 2023	
DA-2-1003 (Issue E)	Basement 6	7 June 2023	
DA-2-1004 (Issue E)	Basement 5	7 June 2023	
DA-2-1005 (Issue E)	Basement 4	7 June 2023	
DA-2-1006 (Issue E)	Basement 3	7 June 2023	
DA-2-1007 (Issue E)	Basement 2	7 June 2023	
DA-2-1008 (Issue E)	Basement 1	7 June 2023	
DA-2-1010 (Issue F)	Ground Floor	<del>11 July 2023</del>	
DA-2-1010 (Issue G)	Ground Floor	15 August 2023	
DA-2-1011 (Issue E)	Level 01 (Commercial)	7 June 2023	
DA-2-1012 (Issue F)	Level 02 (Commercial)	11 July 2023	
DA-2-1013 (Issue F)	Level 03 (Commercial)	11 July 2023	
DA-2-1014 (Issue F)	Level 04 (Commercial)	11 July 2023	
DA-2-1015 (Issue E)	Level 05 (Plant)	7 June 2023	
DA-2-1016 (Issue F)	Level 06 (Podium)	11 July 2023	
DA-2-1017 (Issue E)	Level 07 (Podium Roof)	7 June 2023	
DA-2-1018 (Issue E)	Level 8-9 (Residential)	7 June 2023	
DA-2-1020 (Issue E)	Level 10-15 (Residential)	7 June 2023	

Architectural Drawings – Candalepas Associates			
Drawing Number	Drawing Name	Date	
DA-2-1026 (Issue E)	Level 16-20 (Residential)	7 June 2023	
DA-2-1031 (Issue E)	Level 21 (Residential)	7 June 2023	
DA-2-1032 (Issue E)	Level 22 (Residential)	7 June 2023	
DA-2-1033 (Issue E)	Level 23-27 (Residential)	7 June 2023	
DA-2-1038 (Issue E)	Level 28 (Plant)	7 June 2023	
DA-2-1039 (Issue E)	Level 29-35 (Residential)	7 June 2023	
DA-2-1046 (Issue E)	Level 36-39 (Residential)	7 June 2023	
DA-2-1050 (Issue E)	Level 40-45 (Residential)	7 June 2023	
DA-2-1056 (Issue E)	Level 46-47 (Residential)	7 June 2023	
DA-2-1058 (Issue E)	Level 48 (Plant)	7 June 2023	
DA-2-1059 (Issue E)	Level 49 (Residential)	7 June 2023	
DA-2-1060 (Issue E)	Level 50 (Residential)	7 June 2023	
DA-2-1061 (Issue E)	Level 51 (Residential)	7 June 2023	
DA-2-1062 (Issue E)	Level 52 (Residential)	7 June 2023	
DA-2-1063 (Issue E)	Level 53 (Residential)	7 June 2023	
DA-2-1064 (Issue E)	Level 54 (Plant)	7 June 2023	
DA-2-1065 (Issue E)	Roof	7 June 2023	
DA-2-1091 (Issue C)	Adaptable Unit Plans	12 December 2022	
DA-2-1092 (Issue C)	Adaptable Unit Plans	12 December 2022	
DA-2-1093 (Issue C)	Adaptable Unit Plans	12 December 2022	
DA-2-1101 (Issue E)	Section A	7 June 2023	
DA-2-1102 (Issue E)	Section B	7 June 2023	
DA-2-1103 (Issue E)	Section C	7 June 2023	
DA-2-1103 (Issue G)	Section C	15 August 2023	
DA-2-1201 (Issue E)	Elevation-North	7 June 2023	
DA-2-1202 (Issue E)	Elevation-East	7 June 2023	
DA-2-1202 (Issue G)	Elevation-East	15 August 2023	
DA-2-1203 (Issue E)	Elevation-South	7 June 2023	

Architectural Drawings – Candalepas Associates			
Drawing Number	Drawing Name	Date	
DA-2-1204 (Issue E)	Elevation-West	7 June 2023	
DA-2-1251 (Issue E)	Context North Elevation	7 June 2023	
DA-2-1252 (Issue E)	Context East Elevation	7 June 2023	
DA-2-1401 (Issue E)	Ventilation Diagrams Level 10-27	7 June 2023	
DA-2-1402 (Issue E)	Ventilation Diagrams Level 29- 45	7 June 2023	
DA-2-1403 (Issue E)	Ventilation Diagrams 46-50	7 June 2023	
DA-2-1410 (Issue E)	Cross Ventilation Diagrams	7 June 2023	
DA-2-1421 (Issue E)	Schedule of Openings – Sheet 1	7 June 2023	
DA-2-1422 (Issue E)	Schedule of Openings – Sheet 2	7 June 2023	
DA-2-1431 (Issue E)	Winter Garden and Awning Window Detail Section	7 June 2023	
Stratum Subdivision	Drawings - LTS		
Sheet 1 of 22 sheet(s) (Issue B)	Location Plan	24 July 2023	
Sheet 2 of 22 sheet(s) (Issue B)	Basement 3-8	24 July 2023	
Sheet 3 of 22 sheet(s) (Issue B)	Basement 2	24 July 2023	
Sheet 4 of 22 sheet(s) (Issue B)	Basement 1	24 July 2023	
Sheet 5 of 22 sheet(s) (Issue B)	Ground Floor	24 July 2023	
Sheet 6 of 22 sheet(s) (Issue B)	Level 1	24 July 2023	
Sheet 7 of 22 sheet(s) (Issue B)	Level 2	24 July 2023	
Sheet 8 of 22 sheet(s) (Issue B)	Levels 3-4	24 July 2023	
Sheet 9 of 22 sheet(s) (Issue B)	Level 5	24 July 2023	
Sheet 10 of 22 sheet(s) (Issue B)	Levels 6-7	24 July 2023	
Sheet (s) (Issue B) sheet(s) (Issue B)	Levels 8-20	24 July 2023	
Sheet (s) (Issue B) Sheet (s) (Issue B)	Level 21	24 July 2023	
Sheet (s) (Issue B) Sheet (s) (Issue B)	Levels 22-27	24 July 2023	
Sheet (3) (Issue B) Sheet (s) (Issue B)	Level 28	24 July 2023	

Architectural Drawings – Candalepas Associates			
Drawing Number	Drawing Name	Date	
Sheet 15 of 22 sheet(s) (Issue B)	Levels 29-47	24 July 2023	
Sheet 16 of 22 sheet(s) (Issue B)	Level 48	24 July 2023	
Sheet 17 of 22 sheet(s) (Issue B)	Levels 49-50	24 July 2023	
Sheet 18 of 22 sheet(s) (Issue B)	Level 51	24 July 2023	
Sheet 19 of 22 sheet(s) (Issue B)	Level 52	24 July 2023	
Sheet 20 of 22 sheet(s) (Issue B)	Level 53	24 July 2023	
Sheet 21 of 22 sheet(s) (Issue B)	Level 54	24 July 2023	
Sheet 22 of 22 sheet(s) (Issue B)	Roof Level & Above	24 July 2023	

and as amended by the conditions of this consent.

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

#### Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

# (88) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site or Deicorp Projects (Liverpool St) Pty Ltd has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$398,250 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$398,250 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
  - a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
  - a. make the building safe and of an appearance acceptable to Council at ground level;
  - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
  - (i) Stage 1 Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.

- (ii) Stage 2 Completion of all construction works necessary to complete the structure of the Development to the roof level.
- (iii) Stage 3 Issue of the Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from the principal certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
  - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

#### Reason

To allow for the appropriate management of sites where development (demolition/excavation/construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

## **Reasons for Decision**

The application is 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 State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development and the Apartment Design Guide.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (D) 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.
- (E) 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 Central Sydney locality.
- (F) The proposed development is consistent with the amended concept approval for the site, being D/2018/1144/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (G) Subject to the recommended condition of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) 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 Central Sydney locality, subject to the recommended conditions.

- (I) 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.
- (J) 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.

Carried unanimously.

D/2022/495

# **Speakers**

Kit Lee.

Ryan Campbell (ABC Consultants) – on behalf of the applicant, Stephen Kim (El Australia) – on behalf of the applicant, Angelo Candalepas (Candalepas Associates) – on behalf of the applicant, Fouad Deiri (Deicorp) – on behalf of the applicant and Giovanni Cirillo (Planning Lab) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 5.

# Item 6 Public Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - 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 Heritage Item Chinatown Ceremonial Gates, Haymarket 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 the Planning Proposal Heritage Item Chinatown Ceremonial Gates, Haymarket, as shown at Attachment A 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 14 August 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 the planning proposal; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal Heritage Item Chinatown Ceremonial Gates to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X098658

# **Speakers**

The Hon Henry Tsang addressed the Central Sydney Planning Committee on Item 6.

# Item 7 Post Exhibition - Planning Proposal - Retail Review and Retail Parking - Sydney Local Environmental Plan 2012, 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 note the requirements of the Gateway Determination issued by the Department of Planning and Environment to amend the contents of Planning Proposal Retail Review and Retail Parking, prior to public exhibition, as shown at Attachment C to the subject report;
- (B) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal Retail Review and Retail Parking and draft Sydney Development Control Plan 2012 Retail Review of Southern Sydney Amendment, as described in this report and shown at Attachments D to the subject report;
- (C) the Central Sydney Planning Committee approve the Planning Proposal: Retail Review and Retail Parking, following consideration of submissions as shown at Attachment A to the subject report, to be sent to the Department of Planning and Environment 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 to Council's Transport, Heritage, Environment and Planning Committee on 14 August 2023 that Council approve Sydney Development Control Plan 2012 Retail Review of Southern Sydney Amendment, following consideration of submissions, as shown at Attachment B to the subject report, 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; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to Planning Proposal Retail Review and Retail Parking and Sydney Development Control Plan 2012 Retail Review of Southern Sydney Amendment to correct any minor errors or omissions, or to ensure consistency with legal drafting prior to finalisation.

Carried unanimously.

X084812

# Item 8 Post Exhibition - Planning Proposal - 923-935 Bourke Street Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by Ms Galvin, seconded by Councillor Chan -

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal: 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo as shown in Attachment A to the subject report;
- (B) the Central Sydney Planning Committee note the draft Planning Agreement as shown at Attachment D to the subject report is currently on public exhibition;
- (C) subject to the execution of the draft Planning Agreement as shown at Attachment D to the subject report, the Central Sydney Planning Committee approve Planning Proposal: 923-935 Bourke Street, Waterloo, 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 to Council's Transport, Heritage, Environment and Planning Committee on 14 August 2023 that Council approve Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo, 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 Planning Proposal: 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo to correct any minor errors prior to finalisation; and
- (F) the Central Sydney Planning Committee note that the planning agreement will be executed by the Chief Executive Officer under existing delegations.

Carried unanimously.

X083066

Thursday 17 August 202	Thursday	17	August	2023
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16

The meeting of the Central Sydney Planning Committee concluded at 6.09 pm.

CHAIR