

Central Sydney Planning Committee

Meeting No 489

Thursday 9 November 2023

Notice Date 3 November 2023

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore AO (Chair), Councillor HY William Chan, Councillor Adam Worling, Ms Abbie Galvin, Ms Anthea Sargeant, Mr Dick Persson AM and Mr Richard Horne.

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

The Lord Mayor, Councillor Chan, Councillor Worling, Ms Galvin, Ms Sargeant. Mr Persson and Mr Horne.

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

Councillor Chan left the meeting at 6.23pm and returned at 6.24pm. Councillor Chan was not present at the meeting of the Central Sydney Planning Committee for discussion or voting on Item 5.

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 5 on the agenda, in that he is an employee of Sydney University. Councillor Chan advised that he would not be voting on this matter.

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 Chan –

That the minutes of the meeting of the Central Sydney Planning Committee of 19 October 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 19 October 2023.

Item 4 Development Application: 28-30 Orwell Street, Potts Point - D/2021/893

Moved by the Chair (the Lord Mayor), seconded by Ms Galvin -

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 be upheld; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, a deferred commencement consent be granted to Development Application Number D/2021/893, subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application is approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the MU1 Mixed Use zone pursuant to Sydney Local Environmental Plan 2012.
- (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 Sydney LEP 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 Sydney Local Environmental Plan 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the height of buildings development standard.
- (C) The development conserves the heritage significance of the heritage item and satisfies Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (D) The development exhibits design excellence to satisfy Clause 6.21C of Sydney Local Environmental Plan 2012.
- (E) The development is consistent with the character and principles identified in the locality statement for Kings Cross in Section 2.4.7 of the Sydney Development Control Plan 2012.
- (F) The development, subject to conditions, has addressed environmental impacts, will improve the quality and amenity of the public domain, and does not detrimentally impact any significant view corridors.
- (G) The proposal, subject to conditions, provides acceptable amenity for the proposed hotel accommodation use.

- (H) The site is suitable for the proposed development.
- (I) The public interest is served by the approval of the proposal, as amendments to the development application have generally addressed the matters raised by the City. This is subject to the recommended conditions of consent imposed relating to the appropriate management of the potential environmental impacts associated with the development.

Carried unanimously.

D/2021/893

Speakers

The Hon Don Harwin, Nick Tobin (Metro Minerva Theatre Action Group), Andrew Woodhouse (Potts Point and Kings Cross Heritage Conservation Society), Nick Tsoukaris, Vanessa Stuart and Chris Winston.

Giovanni Cirillo (Planning Lab) – on behalf of the applicant, and Tim Greer (TZG Architects) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

Item 5 Post Exhibition - Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge - Sydney Local Environmental Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Ms Galvin -

It is resolved that:

- (A) the Central Sydney Planning Committee note the three submissions received in response to the public exhibition of the Planning Proposal: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge as described in this report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge, shown at Attachment A 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 minor variations to the Planning Proposal: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge to correct any minor errors prior to finalisation.

Carried unanimously.

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Item 6 Post Exhibition - Planning Proposal - 85-93 Commonwealth Street, Surry Hills - 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 and in the Information Relevant To Memorandum published 9 October 2023;
- (B) the Central Sydney Planning Committee approve the Planning Proposal – 85-93 Commonwealth Street, Surry Hills (as amended) 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, subject to replacing the first dot point on page 12 of the Planning Proposal with the following site specific provisions, that:
 - (i) allow a maximum floor space ratio of 4.5:1 subject to:
 - (a) a provision that removes the application of cl.6.21D of the Sydney LEP, so that the requirement for a competitive design process and any additional design excellence bonus for either height or floor space does not apply;
 - (b) development utilising the additional floor space under the clause being restricted to alterations and/or additions to the existing building; and
 - (c) development utilising the additional floor space under the clause not being used for residential or serviced apartments; and
- (C) authority be delegated to the Chief Executive Officer to make amendments and minor variations to the Planning Proposal – 85-93 Commonwealth Street, Surry Hills (as amended) to ensure consistency with the matters in clause (B), as detailed in the Information Relevant To Memorandum published 9 October 2023, and to correct any minor errors prior to finalisation.

Carried unanimously.

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Speakers

Michael Baker (SJB Planning) addressed the meeting of the Central Sydney Planning Committee on Item 6.

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The meeting of the Central Sydney Planning Committee concluded at 6.26pm.

CHAIR