

Central Sydney Planning Committee

Meeting No 490

Thursday 7 December 2023

Notice Date 1 December 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, Mr David Gainsford, Mr Dick Persson AM and Mr Richard Horne.

At the commencement of business at 5.12pm, those present were:

The Lord Mayor, Councillor Chan, Councillor Worling, Ms Galvin, Mr Gainsford, 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 Councillor Chan 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 City of Sydney 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

The Lord Mayor Councillor Clover Moore made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8 on the agenda, in that she owns property within one of the heritage conservation areas being considered.

The Lord Mayor considers that this non-pecuniary interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result, in accordance with clause 4.1 of the City of Sydney Code of Conduct.

- a less than significant, non-pecuniary interest in Item 9 on the agenda, in that she owns property within the Local Government Area that is the subject of the planning proposal.

The Lord Mayor considers that this non-pecuniary interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result, in accordance with clause 4.1 of the City of Sydney Code of Conduct.

Councillor Worling made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8 on the agenda, in that he owns properties at Jesmond Street Surry Hills and Royston Street Darlinghurst, which are within one of the heritage conservation areas being considered.

Councillor Worling considers that this non-pecuniary interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result, in accordance with clause 4.1 of the City of Sydney Code of Conduct.

- a less than significant, non-pecuniary interest in Item 9 on the agenda, in that he owns properties at Jesmond Street Surry Hills and Royston Street Darlinghurst, which are within the Local Government Area that is the subject of the planning proposal.

Councillor Worling considers that this non-pecuniary interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result, in accordance with clause 4.1 of the City of Sydney Code of Conduct.

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 Worling –

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

Item 4 Development Application: 4-6 Bligh Street, Sydney – D/2023/113

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

It is resolved that pursuant to Section 40 of the City of Sydney Act 1988, authority be delegated to the Chief Executive Officer to determine application SSD 48674209 (D/2023/113) pending the exhibition of the draft Deed of Variation to the Planning Agreement, concurrence of Sydney Metro and subject to the Chief Executive Officer determining that the decision will not have a significant adverse financial impact on the Council.

Reasons for Decision

The application was delegated to the Chief Executive Officer for determination for the following reasons:

- (A) The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new hotel accommodation and commercial floor space.
- (B) The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury.
- (C) The development complies with the maximum height, floor space and car parking controls contained under the Sydney Local Environmental Plan 2012.
- (D) The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney Local Environmental Plan 2012. The slim tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The tower results in acceptable environmental impacts and achieves a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for employees to the site and is suitably located close to good public transport.
- (E) The proposed construction methodology and completed design responds appropriately to the surrounding heritage context and does not adversely affect adjoining heritage items.
- (F) The development is anticipated to create 513 construction and 1,163 ongoing operational jobs.
- (G) The development has provided sufficient information to address the Secretary's Environmental Assessment Requirements.
- (H) All other issues have been appropriately addressed by recommended conditions of consent.

Carried unanimously.

D/2023/113

Speakers

Eliza Scobie (Urbis) – on behalf of the applicant, and Paul Yousseph (Holdmark) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

Item 5 Development Application: 2 Chifley Square, Sydney – D/2023/453

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

It is resolved that consent be granted to Development Application Number D/2023/453 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 site's planning controls 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, particularly the site-specific provisions for the development site.
- (C) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (D) Subject to conditions, 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 broader locality.
- (F) 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.
- (G) The proposed mix of commercial land uses will support the vitality of the area and realise the strategic vision intended for the site within the Central Sydney Planning Strategy. 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.
- (H) 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.

Carried unanimously.

D/2023/453

Speaker

Mark Stante (Charter Hall) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 5.

Item 6 Development Application: 164-172 and 174-194 William Street, Woolloomooloo – D/2022/139

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application Number D/2022/139, following the drafting and 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 164-172 and 174-94 William Street Woolloomooloo, prepared by Urbis on behalf of William Street Nominee and dated 21 November 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 Number D/2022/139 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 appropriate 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 Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the MU1 Mixed Use zone.
- (D) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 and provides capacity for an additional 10 per cent of additional floor space available under Clause 6.21D(3)(b) of the Sydney Local Environmental Plan 2012 for any subsequent detailed building design resulting from a design competition process and demonstrating design excellence.
- (E) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.

- (F) Subject to compliance with the design excellence strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2022/139

Speakers

Andrew Harvey (Urbis) – on behalf of the applicant, and Richard Francis-Jones (FJC) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 6.

Item 7 Public Exhibition – Planning Framework for Ultimo Pymont: Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments, Draft Ultimo Pymont Local Infrastructure Contributions Plan 2023 and Central Sydney Development Contributions Plan 2020 Amendments

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination, subject to the NSW Government recommitment to the timely delivery and opening of a new metro station in Pymont as part of the Sydney Metro West project;
- (B) the Central Sydney Planning Committee approve Planning Proposal – Ultimo Pymont, 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 and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Ultimo Pymont;
- (D) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 4 December 2023, that Council approve draft Sydney Development Control Plan – Ultimo Pymont, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with the planning proposal;
- (E) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 4 December 2023, that Council approve the draft Ultimo Pymont Local Infrastructure Contributions Plan 2023, shown at Attachment C to the subject report for public authority consultation and public exhibition together with the Planning Proposal;
- (F) the Central Sydney Planning Committee note the recommendation to Council’s Transport, Heritage and Planning Committee on 4 December 2023, that Council approve the draft amendments to the Central Sydney Development Contributions Plan 2020 show in Attachment D to the subject report for public authority consultation and public exhibition for a period of at least 28 days;
- (G) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Ultimo Pymont, draft Development Control Plan – Ultimo Pymont and to update the urban design study to ensure maximum clarity for the purposes of public consultation, correct any drafting errors or to ensure consistency with the Gateway Determination;
- (H) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Ultimo Pymont Local Infrastructure Contributions Plan 2023 and the proposed amendments to the Central Sydney Development Contributions Plan 2020 before their exhibition, including to correct any drafting errors; and

- (I) the Central Sydney Planning Committee note that commencement of Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report and draft Sydney Development Control Plan – Ultimo Pymont, shown at Attachment B to the subject report, will be deferred until the NSW Government commits to the timely delivery and opening of a new metro station in Pymont as part of the Sydney Metro West project.

Carried unanimously.

X101016

Speakers

Donald Campey (on behalf of the Strata Committee at 122 Saunders Street, Pymont) and Zena Vaassen addressed the meeting of the Central Sydney Planning Committee on Item 7.

**Item 8 Public Exhibition - Planning Proposal – Conservation Areas Review –
Sydney Local Environmental Plan 2012 and Sydney Development Control
Plan 2012 Amendment**

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – Conservation Areas Review, shown at 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 Planning Proposal – Conservation Areas Review, 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 and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159

Item 9 Public Exhibition – Planning Proposal – Sydney Local Environmental Plan and Development Control Plan – Policy and Housekeeping Amendments (LEP/DCP Update)

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, shown at Attachments A, A1 and A2 to the subject report for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;
- (B) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all 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 – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;
- (C) the Central Sydney Planning Committee approve Planning Proposal - Sydney Local Environmental Plans - Dwelling Retention shown at Attachment B to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination and public consultation and 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 and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all 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 – Sydney Local Environmental Plan 2012 - Dwelling Retention;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 at Attachments C, C1 and C2 to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;
- (F) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve updates to City of Sydney Competitive Design Policy, Guidelines for Waste Management in New Developments, and Landscape Code shown at Attachments D, E and F to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 and draft development control plan;
- (G) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council rescind the Green Roofs and Wall Policy as shown at Attachment G to the subject report;
- (H) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Policy and Housekeeping Amendments 2023 shown at Attachments A, A1 and A2 to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination;

- (I) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Dwelling Retention shown at Attachment B to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (J) authority be delegated to the Chief Executive Officer to make any minor amendments to the draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 and other development guidelines, codes and policies shown at Attachments C - F to the subject report, prior to public exhibition to correct any drafting errors or ensure consistency with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.

Carried unanimously.

X039444

Speakers

James Conlan (350 Australia), Alison Blazey (Doctors for the Environment Australia), and Anthony Hull (Doctors for the Environment Australia) addressed the meeting of the Central Sydney Planning Committee on Item 9.

**Item 10 Approved Variations to Development Standards Reported to the
Department of Planning and Environment**

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

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

Carried unanimously.

S040864

Item 11 Summary of Applications to be Reported to the Central Sydney Planning Committee

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

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 6.50pm.

CHAIR