

Central Sydney Planning Committee

Meeting No 496

Thursday 15 August 2024

Notice Date 9 August 2024

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 5.08pm, 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.

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 Chan –

That the minutes of the meeting of the Central Sydney Planning Committee of 25 July 2024, 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 25 July 2024.

Item 4 Development Application: 15-17, 19-21 and 23 Hunter Street and 105 and 107 Pitt Street, Sydney - D/2023/1045

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 Office to determine Development Application D/2023/1045 subject to receipt of concurrence of Sydney Metro pursuant to Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Reasons for Decision

The application was recommended for delegation to the CEO due to concurrence being outstanding. The application was supported, subject to conditions, 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, 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 Section 6.21C of the Sydney Local Environmental 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, and is appropriate in the streetscape context and setting of Central Sydney.
- (F) 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 site or surrounding properties, the public domain or the broader Central Sydney locality, subject to conditions.
- (G) The proposal is consistent with the terms of the Planning Agreement that is registered on the site.
- (H) The public interest is served by the development, as amendments to the development application have addressed the matters raised by the City, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

Carried unanimously.

D/2023/1045

Speaker

James Milligan (Milligan Group) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

Item 5 Section 4.55 Application: 155 Mitchell Road, Erskineville - D/2015/966/G

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

It is resolved that consent be granted to Section 4.55 Application Number D/2015/966/G subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

(1) APPROVED STAGE 1 DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/966 dated 9 July 2015 and the following drawings:

Drawing Number	Architect	Date
DD01-02 Issue M-R-S Y	Architectus	07/04/2017 13/11/2017 16 January 2020 10 July 2024
DA01-03 Issue M	Architectus	07/04/2017
DA01-04 Issue L	Architectus	07/04/2017
DA01-05 Issue M-R-S Y	Architectus	07/04/2017 13/11/2017 16 January 2020 10 July 2024
DA01-06 Issue M-T-U Y	Architectus	07/04/2017 13/11/2017 16 January 2020 10 July 2024
DA01-07 Issue T-V-W Y	Architectus	10/10/2017 13/11/2017 16 January 2020 10 July 2024
DA01-10 Issue L	Architectus	07/04/2017
DA01-11 Issue U-Y AA-AB AE	Architectus	10/10/2017 17/11/2017 15/06/18 16 January 2020 10 July 2024

Site Locality and Indicative Phasing Plan	AECOM	22/09/2016
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and as amended by the conditions of this consent and amended plans provided as required under deferred commencement condition (1).

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

(Amended 30 November 2017 – Mod A)

(Amended 5 December 2018 – Mod B)

(Amended 13 February 2020 – Mod C)

(Amended 15 August 2024 - Mod G)

Reasons for Decision

The application was approved for the following reasons:

- (A) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.
- (B) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (D) The increased height and bulk of the building envelopes are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the detailed design development application D/2023/842.
- (E) The proposed building envelopes are capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D//2015/966/G

Speaker

Anna Wang (Urbis) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 5.

Item 6 Development Application: 155 Mitchell Road, Erskineville - D/2023/842

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

It is resolved that:

- (A) the variation requested to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan (LEP) 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2023/842 subject to the conditions detailed in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~striketrough~~):

(1A) STAGED APPROVAL – D/2023/842 AND D/2023/850

- (a) ***This development consent is the detailed design development consent D/2023/842.***
- (b) ***The following shall be provided to Council's Area Planning Manager/Area Coordinator Planning Assessments prior to any construction certificate being issued for this consent D/2023/842.***
 - (i) ***Confirmation, in the form of a letter of interim advice or Section B site audit statement from a NSW EPA accredited site auditor, that all remediation approved under the early works consent D/2023/850 that does not rely on the construction of the basement has been undertaken.***

Reason

To ensure that the site is appropriately remediated before construction can occur under this consent.

Reasons for Decision

The application was approved for the following reasons:

- (A) 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 LEP 2012.
 - (ii) The proposal is in the public interest because it delivers planned housing from this site and is consistent with the objectives of the E1 - Local Centre zone and the 'Height of buildings' development standard.
 - (iii) The proposal has been assessed against the aims and objectives of the relevant planning controls, including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.

- (iv) The development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
 - (v) The proposal is consistent with the amended concept approval for the site, being D/2015/66/G, and is consistent with the design intent of the winning scheme of a competitive design process.
 - (vi) The proposal is appropriate within its setting and is a development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.
- (B) Condition 1A was added and the deferred commencement recommendation amended to an approval recommendation in line with a request made by the applicant, as sufficient measures are in place to ensure the public domain works are completed.

Carried unanimously.

D/2023/842

Speaker

Anna Wang (Urbis) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 6.

The meeting of the Central Sydney Planning Committee concluded at 5.29pm.

CHAIR