

Central Sydney Planning Committee

Meeting No 497

Thursday 14 November 2024

Notice Date 8 November 2024

minutes

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Present

The Right Hon The Lord Mayor - Councillor Clover Moore AO (Chair), Councillor Jess Miller, Deputy Lord Mayor - Councillor Zann Maxwell, Ms Abbie Galvin, Ms Anthea Sargeant, Mr Sean O'Toole and Ms Elizabeth Kinkade.

At the commencement of business at 5.00pm, those present were:

The Lord Mayor, Councillor Miller, Deputy Lord Mayor Maxwell, Ms Galvin, Ms Sargeant, Mr O'Toole and Ms Kinkade.

The Chief Planner / Executive 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 Miller –

That the minutes of the meeting of the Central Sydney Planning Committee of 15 August 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 15 August 2024.

Item 4 Section 4.55 Application: 338 Botany Road, Alexandria - D/2019/87/C

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

It is resolved that consent be granted to Section 4.55(2) Application Number D/2019/87/C subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions) as follows:

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:

Drawing Number	Drawing Name	Date
Stage 1 Envelope Envelope Plan	Project Number 11942 <i>Page 37 DA100 C</i>	16.10.2019 <i>24/09/2024</i>
Stage 1 Envelope Envelope Plan	Project Number 11942 <i>Page 38 DA101 B</i>	16.10.2019 <i>24/09/2024</i>
<i>Envelope Plan - Overall</i>	<i>Project Number 11942 DA102 B</i>	<i>24/09/2024</i>
Stage 1 Envelope Stage 1 Envelope Elevations	Project Number 11942 <i>Page 39 DA200 B</i>	16.10.2019 <i>24/09/2024</i>
Stage 1 Envelope Stage 1 Envelope Elevations	Project Number 11942 <i>Page 40 DA201 B</i>	16.10.2019 <i>24/09/2024</i>

as amended by plans other conditions of this consent.

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

Condition amended via Section 4.55(2) on 14 November 2024

(8) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

- (a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2.

- (b) ~~Ensure no overshadowing of approved residential apartments at 499 and 501—509 Botany Road, Alexandria~~
- (c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG.
- (d) If roof top communal open space is proposed it must provide equitable access **and** be designed to prevent overlooking and noise impacts. ~~and all structures (including but not limited to plant and lift overruns) must be within the 33m height limit.~~
- (e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.
- (f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012.
- (g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.

Condition amended via Section 4.55(2) on 14 November 2024

(13) FLOOR SPACE RATIO

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed ~~4.09~~**4.09**:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012.
- (b) ~~Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012.~~
- (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.

Condition amended via Section 4.55(2) on 14 November 2024

(14) BUILDING HEIGHT

The maximum height of the buildings must not exceed ~~33~~ **36.2** metres in accordance with the Sydney LEP 2012 **as provided for under D/2024/273**. No structures are to exceed the ~~33~~ **36.2** metres height limit.

Condition amended via Section 4.55(2) on 14 November 2024

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 changes to the building envelope 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/2024/273.
- (E) The proposed building envelope is 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/2019/87/C

Speaker

Andrew Brooks (St George Community Housing) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 4.

Item 5 Development Application: 338 Botany Road, Alexandria - D/2024/273

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

It is resolved that:

- (A) the variation requested to Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the variation requested to Floor Space Ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (C) consent be granted to Development Application Number D/2024/273 subject to the conditions set out in Attachment B to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(9) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio ~~for the business use~~ must not exceed 4.09:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 9,198sqm.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(47) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3 of the report titled Site Flood Assessment for Development Application prepared by ~~insert~~ WMA Water dated 31 January 2024.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

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 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 floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012.
- (iii) The proposal is in the public interest because it is consistent with the objectives of the E3 (Productivity support) zone and the 'height of buildings' and 'floor space ratio' development standards.
- (iv) 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.
- (v) 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.
- (vi) The proposal is consistent with the amended concept approval for the site, being DA/2019/87, and is consistent with the design intent of the winning scheme of a competitive design process albeit that is not the winner of the process.
- (vii) 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.
- (viii) The proposal provides for much needed affordable housing in a location which is highly accessible from a range of transport options and will have excellent access to facilities and services.

(B) Conditions 9 and 47 were amended to correct typographical errors.

Carried unanimously.

D/2024/273

Speaker

Andrew Brooks (St George Community Housing) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 5.

Item 6 Development Application: 265-273 George Street, Sydney - D/2024/367

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

It is resolved that:

- (A) the requirement under clause 7.20(3) of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable and unnecessary in the circumstances;
- (B) the requirement under clause 6.21D(2) of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances; and
- (C) consent be granted to Development Application D/2024/367 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 proposed development 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 proposed development generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (C) The proposal complies with the maximum floor space ratio development standard in Clauses 4.4, 6.4, 6.6 and 6.9 of the Sydney Local Environmental Plan 2012, and an appropriate condition is recommended to require the allocation of heritage floor space in accordance with Clause 6.11 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development complies with the maximum height of building development standard and the Wynyard Park sun access plane in accordance with Clauses 4.3 and 6.17 of the Sydney Local Environmental Plan 2012.
- (E) The architectural design, facade articulation, and materiality of the proposal combine to achieve a high-quality design outcome to satisfy the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily respond to the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (G) 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.

- (H) The public interest is served by the approval of the proposed development subject to recommended conditions imposed relating to the appropriate management of associated potential environmental impacts.

Carried unanimously.

D/2024/367

Speaker

Alton Abrahams (AsheMorgan) – on behalf of the applicant, addressed the Central Sydney Planning Committee on Item 6.

Item 7 Development Application: 27-31 Doody Street, Alexandria - D/2024/238

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/238 following the completion of the public exhibition of the draft Voluntary Planning Agreement in accordance with the public benefit offer dated 3 September 2024 and after considering any public submissions received; and
- (B) if the Chief Executive Officer determines to approve Development Application No. D/2024/238, then consideration be given to imposing the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(99) PHYSICAL MODELS

(a) Prior to the Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

(i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.

(ii) The models are to comply with all of the conditions of the Development Consent.

(iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

(100) SUBMISSION OF ELECTRONIC CAD MODEL PRIOR TO OCCUPATION CERTIFICATE

- (a) ***Prior to the Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.***
- (b) ***The data required to be submitted within the surveyed location must include and identify:***
 - (i) ***building design above and below ground in accordance with the development consent;***
 - (ii) ***all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;***
 - (iii) ***two points on the site boundary (current) clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of***

Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) ***The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/applicati-on-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.***

(Remaining conditions to be renumbered accordingly)

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.
- (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 proposal exhibits 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 has a height, scale and form suitable for the site and the emerging context of the Southern Enterprise Area and Alexandria.
- (E) The proposed mix of compatible land uses will support the vitality of the wider area and do not result in any significant adverse environmental or amenity impacts on the subject site or surrounding properties.
- (F) The proposal will support substantial employment floor space within a location identified for this purpose. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.
- (G) The proposal will make a significant contribution to the public domain through the public domain works and land dedication of the eastern boundary through-site link and the Liveable Green Network, in accordance with the Sydney Development Control Plan (SDCP 2012) requirements.
- (H) The proposal is Integrated Development under the Water Management Act 2000, requiring approval from WaterNSW. General Terms of Approval were received from WaterNSW on 17 June 2024.

- (I) The public interest is served by the development, as amendments to the development application have addressed the matters raised by the City. Conditions of consent are recommended to manage potential environmental impacts associated with the development.
- (J) Conditions 99 and 100 were added to specify additional conditions relating to the physical and electronic models.

Carried unanimously.

D/2024/238

Speaker

Aaron Sutherland (Sutherland Planning) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 7.

Item 8 Post Exhibition - Planning Proposal - Dwelling Retention - Sydney Local Environmental Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Deputy Lord Mayor Maxwell -

It is resolved that:

- (A) the Central Sydney Planning Committee note the issues raised during the public exhibition of Planning Proposal - Dwelling Retention as provided in the Summary of Submissions, shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Dwelling Retention, as amended following public exhibition, shown at Attachment B to the subject report, to be sent to the Department of Planning, Housing and Infrastructure to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979, subject to the following amendments (additions shown in ***bold italics***):

Executive summary:

The City of Sydney (the City) has seen some reduction of dwellings due to the redevelopment of existing residential flat buildings, particularly towards the eastern suburbs. This occurs through the consolidation of two apartments into one, replacement of residential flat buildings with a single dwelling house or the speculative redevelopment of a large residential flat building containing smaller apartments into a development containing significantly fewer, larger apartments. This is ***concurrently*** leading to a reduction in the diversity of housing in parts of the local government area...

... In response to this ongoing loss of dwellings and diversity of housing supply, this planning proposal introduces a new development standard to be inserted into the Sydney Local Environmental Plan 2012 (LEP) that limits the reduction in the number of dwellings through redevelopment of buildings that contain dwellings. This is to ensure that development does not significantly reduce the ***number and*** diversity of dwellings available particularly for smaller and more affordable apartment sizes.

Explanation of provisions

Has an objective that seeks to minimise the loss of ***dwellings and dwelling*** diversity resulting from the consolidation of existing dwellings or the demolition of existing dwellings for the construction of new dwellings.

Justification

The types of apartments currently being lost are smaller, unlikely to be replaced and are relatively affordable. Average existing apartment sizes in four of the above examples range from 32 to 42 square metres and are being replaced with apartments averaging 133 to 192 square metres. In contrast, developments under this proposed clause would result in average apartment sizes that are larger than existing but smaller than proposed in the example development applications. This will ensure that ***the number of dwellings and*** dwelling diversity can be maintained and that redevelopment of apartment buildings maintains smaller apartments while still offering the opportunity to provide some larger dwellings in a redeveloped building.

- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Planning Proposal - Dwelling Retention to correct any minor errors prior to finalisation by the Department of Planning, Housing and Infrastructure.

Carried unanimously.

X101840

Speakers

Jack Freckelton (Planning & Co), Angeline Antony and Julian Bowditch addressed the meeting of the Central Sydney Planning Committee on Item 8.

**Item 9 Public Exhibition - Planning Proposal - Chinatown Heritage Items - Sydney
Local Environmental Plan 2012 Amendment**

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal - Chinatown Heritage Items, Haymarket as shown at Attachment A to the subject report for submission to the Department of Planning, Housing and Infrastructure with a request for gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Chinatown Heritage Items, 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 and Planning Committee on 11 November 2024 that Council seek authority from the Department of Planning, Housing and Infrastructure 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 Items - Chinatown to correct any drafting errors or to ensure consistency with the gateway determination.

Carried unanimously.

X099927

Item 10 Proposed Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025

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

It is resolved that the Central Sydney Planning Committee adopt the draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025, as shown at Attachment A to the subject report.

Carried unanimously.

X102871

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

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

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

Carried unanimously.

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The meeting of the Central Sydney Planning Committee concluded at 5.47pm.

CHAIR