

# Central Sydney Planning Committee

Meeting No 498

Thursday 12 December 2024

Notice Date 6 December 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 Sargent, Mr Sean O’Toole and Ms Sue Weatherley.

At the commencement of business at 5.10pm, those present were:

The Lord Mayor, Councillor Miller, Councillor Maxwell, Ms Galvin, Ms Sargeant, Mr O’Toole and Ms Weatherley.

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

The Chair (the Lord Mayor) disclosed a less than significant non-pecuniary interest in Item 4 on the agenda, in that she owns property within the vicinity of the proposed public infrastructure works that are the subject of the planning agreement associated with this development application. The Chair (the Lord Mayor) considers that this non-pecuniary conflict of 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, as per Clause 4.1 of the Code of Conduct.

Councillor Zann Maxwell made the following disclosures:

- a less than significant non-pecuniary interest in Item 8 on the agenda, in that Jo Horder was a supporter of the Sydney Labor Campaign, is a Labor member and has been a known advocate of the Powerhouse Museum over the years. Councillor Maxwell considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Jo provided a submission to all Councillors and Central Sydney Planning Committee Members on the matter of the Powerhouse as a concerned resident of the community, and he has not met with her specifically in relation to this issue.
- a less than significant non-pecuniary interest in Item 8 on the agenda, in that Skye Tito was a supporter of the Sydney Labor Campaign and lives within one of the buildings included in the Modern Residential Flat Buildings in this report. Councillor Maxwell considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Skye did not approach him in relation to this matter and was unaware it was coming to Council and the Central Sydney Planning Committee, and he has received no representations from her in relation to this issue.
- a less than significant non-pecuniary interest in Item 8 on the agenda, in that Elizabeth Elenius was a supporter of the Sydney Labor Campaign and has campaigned on the issue of the Powerhouse. Councillor Maxwell considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Elizabeth was a volunteer in a general way on the campaign and he has not met with her to discuss this specific issue, and there have also been many campaign groups that have been emailing in relation to this item, contacting all Councillors and Central Sydney Planning Committee Members through email campaigns in a general way.

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 Maxwell –

That the minutes of the meeting of the Central Sydney Planning Committee of 14 November 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 14 November 2024.

#### Item 4 Development Application: 130 Joynton Avenue, Zetland - D/2024/514

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

It is resolved that:

- (A) the request to vary 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/2024/514 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strike through~~):

##### (1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and DEICORP PROJECTS (JOYNTON AVE) PTY LTD, that delivers public benefits associated with the approved development is publicly exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

##### Reason

~~To ensure that awnings are appropriately maintained.~~

##### (2) STAGED CONSTRUCTION CERTIFICATES

This consent allows construction works to be undertaken in two stages as follows:

- (a) **Construction Certificate 1 (CC1) – Shoring, *and* bulk excavation, ~~piling and basement structure to ground floor~~ comprising:**
  - (i) CC1(A) – Building groups D and E
  - (ii) CC1(B) – Building C
  - (iii) CC1(C) – Buildings A and B
- (b) **Construction Certificate 2 (CC2) – *Foundation piles, basement structure to ground floor,* ~~B~~ building works and fit out comprising:**
  - (i) CC2(A) – Building groups D and E
  - (ii) CC2(B) – Building C
  - (iii) CC2(C) – Building B
  - (iv) CC2(D) – Building A

##### Reason

To ensure the orderly development of the site.

**(3) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2024/514 dated 9 July 2024 and the following drawings prepared by Fender Katsalidis and Besley & Spresser (Buildings A, B and C) and Candalepas Associates and Lachlan Seegers Architect (Building groups D and E):

Buildings A, B and C - Fender Katsalidis and Besley & Spresser

Drawing Number	Drawing Name	Date
DA-00-000, Rev C	Cover Sheet	05/11/2024
DA-0-002, Rev C <b>B</b>	Greater Precinct Site Plan – Building A/B/C/D/E	05/11/2024 <b>18/10/2024</b>
DA-0-003, Rev C	Greater Precinct Deep Soil Plan – Building A/B/C/D/E	05/11/2024
DA-0-004, Rev C	Greater Precinct Basement Plans – A/B/C/D/E	05/11/2024
DA-0-005, Rev B	Greater Precinct Elevation – A/B/C/D/E	18/10/2024
DA-0-098, Rev C	Precinct – Basements – Buildings A/B/C	05/11/2024
DA-0-100, Rev C	Precinct Plans – GFL & L01 – Buildings A/B/C	05/11/2024
DA-0-114, Rev B	Precinct Plans – Roof – Buildings A/B/C	18/10/2024
DA-0-201, Rev B	Precinct Elevation – Buildings Overall Section A – Building A/B/C	18/10/2024
DA-0-251, Rev C	Precinct Section – Buildings A/B/C	05/11/2024
DA-0-440, Rev A	Storage Plans – Building A/B/C	18/10/2024
<b>Building A</b>		
DA-1-098, Rev C	Basement 02 – Building A	05/11/2024
DA-1-099, Rev C	Basement 01 – Building A	05/11/2024
DA-1-100, Rev C	Ground Level – Building A	05/11/2024
DA-1-101, Rev B	Level 01-02 – Building A	18/10/2024
DA-1-103, Rev B	Level 03-04 – Building A	18/10/2024

Drawing Number	Drawing Name	Date
DA-1-105, Rev B	Level 05-06 – Building A	18/10/2024
DA-1-107, Rev B	Level 07 – Building A	18/10/2024
DA-1-108, Rev C	Level 08 – Building A	05/11/2024
DA-1-109, Rev B	Level 09-12 – Building A	18/10/2024
DA-1-113, Rev B	Level 13 – Building A	18/10/2024
DA-1-114, Rev B	Roof – Building A	18/10/2024
DA-1-201, Rev B	Zetland Ave Elevation (South) & Joynton Ave Elevation (West) – Building A	18/10/2024
DA-1-202, Rev C	North Elevation & Grandstand Parade Elevation (East) – Building A	05/11/2024
DA-1-251, Rev B	Section A & B	18/10/2024
DA-1-260, Rev A	Podium Detail – Building A	18/10/2024
DA-1-270, Rev A	Fence Detail – Building A	18/10/2024
DA-1-320, Rev B	Building A Material	18/10/2024
DA-1-500, Rev B	Adaptable Apartment Layout	18/10/2024
<b>Building B</b>		
DA-2-098, Rev C	Basement 02 – Building B	05/11/2024
DA-2-099, Rev C	Basement 01 – Building B	05/11/2024
DA-2-100, Rev B	Ground Level – Building B	18/10/2024
DA-2-101, Rev B	Level 01-07 – Building B	18/10/2024
DA-2-108, Rev C	Level 08 – Building B	05/11/2024
DA-2-109, Rev B	Level 09-11 – Building B	18/10/2024
DA-2-114, Rev B	Roof – Building B	18/10/2024
DA-2-201, Rev B	Zetland Ave Elevation (South & Victoria Park Parade Elevation (East)	18/10/2024
DA-2-202, Rev B	Grandstand Parade Elevation (West) & North Elevation	18/10/2024

Drawing Number	Drawing Name	Date
DA-2-251, Rev B	Section A & B	18/10/2024
DA-2-252, Rev A	Section C	05/11/2024
DA-2-260, Rev A	Podium Detail – Building B	18/10/2024
DA-2-270, Rev A	Fence Detail – Building B	18/10/2024
DA-2-320, Rev B	Building B Material	18/10/2024
DA-2-500, Rev B	Adaptable Apartment Layout	18/10/2024
DA-2-501, Rev B	Adaptable Apartment Layout	18/10/2024
<b>Building C</b>		
DA-3-098, Rev C	Basement 02 – Building C	05/11/2024
DA-3-099, Rev C	Basement 01 – Building C	05/11/2024
DA-3-100, Rev C	Ground Level – Building C	05/11/2024
DA-3-101, Rev B	Level 01-05, Building C	18/10/2024
DA-3-106, Rev B	Level 06-07, Building C	18/10/2024
DA-3-114, Rev B	Roof – Building C	18/10/2024
DA-3-201, Rev B	Zetland Ave Elevation (South) & George Julius Ave Elevation (East)	18/10/2024
DA-3-202, Rev B	Victoria Park Parade Elevation (West) & North Elevation	18/10/2024
DA-3-251, Rev B	Section A & B	18/10/2024
DA-3-260, Rev A	Podium Detail – Building C	18/10/2024
DA-3-270, Rev A	Fence Detail – Building C	18/10/2024
DA-3-320, Rev B	Building C Material	18/10/2024
DA-3-500, Rev B	Adaptable Apartment Layout	18/10/2024
DA-3-500, Rev A	Adaptable Apartment Layout	18/10/2024



Building groups D and E - Candalepas Associates and Lachlan Seegers

Drawing Number	Drawing Name	Date
DA-4-0101, Rev C	Cover Page & Drawing List	04/11/2024
DA-4-0152, Rev A	Envelope Plan	17/10/2024
DA-4-1001, Rev C	Basement Plan 2	04/11/2024
DA-4-1002, Rev B	Basement Plan 1	17/10/2024
DA-4-1010, Rev D	Ground Floor	20/11/2024
DA-4-1011, Rev B	Level 1 Floor Plan	17/10/2024
DA-4-1012, Rev B	Level 2 Floor Plan	17/10/2024
DA-4-1013, Rev B	Level 3 Floor Plan	17/10/2024
DA-4-1014, Rev B	Level 4 Floor Plan	17/10/2024
DA-4-1015, Rev B	Level 5 Floor Plan	17/10/2024
DA-4-1016, Rev C	Level 6 Floor Plan	04/11/2024
DA-4-1017, Rev B	Level 7 Floor Plan	17/10/2024
DA-4-1018, Rev C	Level 8 Floor Plan	04/11/2024
DA-4-1019, Rev C	Level 9 Floor Plan	04/11/2024
DA-4-1020, Rev C	Level 10 Floor Plan	04/11/2024
DA-4-1021, Rev C	Level 11 Floor Plan	04/11/2024
DA-4-1022, Rev C	Roof Plan	04/11/2024
DA-4-1051, Rev B	Adaptable Unit Plans – D1	17/10/2024
DA-4-1052, Rev B	Adaptable Unit Plans – D1	17/10/2024
DA-4-1053, Rev B	Adaptable Unit Plans – E1	17/10/2024
DA-4-1054, Rev B	Adaptable Unit Plans – E2	17/10/2024
DA-4-1055, Rev B	Adaptable Unit Plans – E2	17/10/2024
DA-4-1101, Rev B	Section S-01	17/10/2024
DA-4-1102, Rev B	Section S-02	17/10/2024
DA-4-1103, Rev B	Section S-03	17/10/2024

Drawing Number	Drawing Name	Date
DA-4-1104, Rev B	Section S-04	17/10/2024
DA-4-1105, Rev B	Section S-05	17/10/2024
DA-4-1106, Rev B	Section S-06	17/10/2024
DA-4-1201, Rev B	Elevation E-01	17/10/2024
DA-4-1202, Rev B	Elevation E-02	17/10/2024
DA-4-1203, Rev B	Elevation E-03	17/10/2024
DA-4-1204, Rev B	Elevation E-04	17/10/2024
DA-4-1205, Rev B	Elevation E-05	17/10/2024
DA-4-1206, Rev B	Elevation E-06, E-09, E-15	17/10/2024
DA-4-1207, Rev B	Elevation E-07	17/10/2024
DA-4-1208, Rev B	Elevation E-08	17/10/2024
DA-4-1209, Rev B	Elevation E-10	17/10/2024
DA-4-1210, Rev B	Elevation E-11	17/10/2024
DA-4-1211, Rev B	Elevation E-12 & E16	17/10/2024
DA-4-1212, Rev B	Elevation E-13 & E-14	17/10/2024
DA-4-1803, Rev B	Apartment Schedule	17/10/2024
DA-4-1804, Rev B	Apartment Schedule	17/10/2024
DA-4-1807, Rev B	Storage Plans	17/10/2024
DA-4-1808, Rev B	Storage Plans	17/10/2024
DA-4-2001, Rev A	Fence Detail Building D & E	04/11/2024

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.

**(7) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.
- (b) The contribution is ~~\$28,042,370.94~~ **\$28,109,428.27** (indexed at 12 November 2024 **10 December 2024**). This is calculated by establishing the sum of the equivalent monetary contribution \$11,176.22 multiplied by 1% of the total floor area for non-residential development (~~1,170~~ **1,770** sqm) and the equivalent monetary contribution \$11,176.22 multiplied by 3% of the total floor area for residential development (83,247sqm).

***The contribution can be paid in two stages as below:***

- (i) ***\$11,115,647.10 is to be paid prior to any Construction Certificate for Buildings A, B and C. This is calculated based on 1,190sqm of non-residential total floor area and 32,756sqm of residential total floor area.***
- (ii) ***\$16,993,781.17 is to be paid prior to any Construction Certificate for Building groups D and E. This is calculated based on 580sqm of non-residential total floor area and 50,491sqm of residential total floor area.***
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025 the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times MDP2 / MDP1$ , where:
- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
- (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
- (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

Contact Council's Planning Assessment Unit at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) for written confirmation of the amount payable, with indexation as necessary, prior to payment.

**Reason**

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

**(39) DESIGN MODIFICATIONS – BUILDING GROUPS D AND E – CC1**

Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate for Buildings groups D and E, amended architectural drawings are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport addressing the following:

- (a) The architectural drawings are to match the landscape plans and provide a minimum 350mm slab set down and 550mm high retailing walls lining both edges of all ground floor footpaths. Tree locations must match the landscape plans.
- (b) The Building E2 west facing ground level apartment interface to Ascot Avenue is not approved. This is to be amended to demonstrate a high quality, deep soil landscape interface within the 2m landscape setback. Any additional private open space fencing/ screening is to be setback behind the 2m landscape setback of the ground level terraces.

**Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

**(44) DESIGN MODIFICATIONS – WASTE MANAGEMENT**

Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate, amended architectural drawings are to be submitted to and approved by Council's Area Planning Manager addressing the following:

- (a) Retail bulky waste storage areas for all buildings must be provided in accordance with the City of Sydney's Guidelines for Waste Management in New Developments 2018.
- (b) For Building C, a designated retail waste storage area for bins is to be provided in accordance with the bin requirement specified in the Operational Waste Management Plan (Elephants Foot Rev H) within the basement or ground floor to support the management of retail waste and minimise potential for conflict between residential and commercial waste management systems.
- (c) Remove the doorway between the Building A loading area and 'Retail Tenancy (Food) A03' (drawing no. DA-1-100, Rev C).
- (d) The 'Bin Holding Area' in Building D, Basement 1 is to be amended to restrict retail tenant access to the residential bin holding area.
- (e) The bulky waste collection area within Building D is to be located within 10m of the proposed City of Sydney waste collection vehicle loading bay to support safe and efficient scheduled collections.
- (f) In Building C, Basement 1, an unobstructed access pathway of 1,800mm is to be provided to permit movement of retail waste, retail bulky waste and residential bulky waste between respective storage areas and the loading dock.
- (g) In Building C, Basement 1, a dividing wall is to be provided in the bulky waste storage area to prevent thoroughfare movements through the room.
- (h) Residential and commercial rooms are to be clearly labelled to ensure separation of residential and commercial waste management systems.
- (i) All bulky waste doors are to open outwards for safety purposes and to incorporate recessing from carriageways as required.

**Reason**

To ensure the development complies with Council's waste requirements.

**(45) TEMPORARY WASTE ARRANGEMENT – BUILDING B**

Prior to the issue of any ~~CC4~~ **CC2** Construction Certificate for Building B, details showing the proposed interim arrangements for waste collection for Building B, including marked up drawings of placement and vehicle swept paths, are to be submitted to and approved by Council's Area Planning Manager.

**Reason**

To ensure the temporary waste management arrangement is approved.

**(52) PUBLIC ART**

In lieu of Public Art being installed on site to the City's satisfaction prior to the issue of any Occupation Certificate, a monetary contribution equivalent to \$1,064,000.00 must be made to Council through the Planning Agreement, prior to the issue of any ~~Construction Certificate for landscape works~~ **a Construction Certificate for Building A**.

Note: The City's Public Art Team must be informed of the payment of the contribution. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**Reason**

To ensure the development contributes towards public art to the City's satisfaction.

**(53) LANDSCAPING OF THE SITE**

- (a) An updated landscape package and technical specification suitable for construction by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of any ~~CC4~~ **CC2** Construction Certificate. The plan must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
  - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, balustrades, services, furniture, shade structures, lighting and other features;
  - (iii) The design of seats across the development are to be reviewed to provide seat heights between 400-450mm where possible without impact on soil depths. Seats mounted to the face of retaining walls should be considered;
  - (iv) Provision of 1.5m tall perimeter screening for wind mitigation around the Level 8 communal open space for Building groups D and E;
  - (v) Sectional details of earthworks, soil depths and volume including finished levels and any mounding. The minimum soil depths for planting on structure must be 800mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;

- (vi) Detailed planting plans and plant schedules with numbers and supply size. Planting design is to demonstrate compliance with recommendations of the Pedestrian Wind Study by RWDI dated 17 October 2024 (Council ref. 2024/599277);
  - (vii) Coordinated stormwater drainage design and location of drainage infrastructure;
  - (viii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, are to be submitted with the landscape package.
  - (c) Prior to the issue of an Occupation Certificate, the deep soil areas within residential development sites must be constructed as approved on drawing DA0-003 Rev B. Where relatively natural soil does not exist, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by the Principal Certifying Authority.
  - (d) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

**Reason**

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

**(55) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to ~~any CC1~~ **the relevant CC2** Construction Certificate being issued.

**Reason**

To ensure parking facilities are designed in accordance with the Australian Standards.

**(56) ALLOCATION OF PARKING**

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of ~~any CC1~~ **the relevant CC2** Construction Certificate.

Car Parking Type	Number
Residential spaces	373
Accessible residential spaces	88
Residential visitor spaces	45
Retail parking	24

Car Parking Type	Number
Accessible retail parking	4
Car share parking	6
Subtotal	540
Motorcycle parking	55
Car wash bay	3
Service vehicle spaces	5
Small Rigid Vehicle loading dock(s)	1
Medium Rigid Vehicle/ 10.6m waste truck loading dock(s)	2

### Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

### (57) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	647	Spaces must be a class 1 bicycle locker [1]
Residential visitor	63	Spaces must be Class 3 bicycle rails
Non-residential	6	Spaces must be Class 2 bicycle facilities
Non-residential visitor	17	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	6	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of any ~~CC1~~ **the relevant CC2** Construction Certificate being issued.

**Reason**

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

**(58) CAR SHARE SPACES**

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A plan showing these spaces must be submitted to and approved by the Principal Certifier prior to the issue of ~~any CC1~~ **the relevant CC2** Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

**Reason**

To ensure car share spaces are provided within the development are maintained as common property.

**(59) OPERATIONAL WASTE MANAGEMENT PLAN**

The Operational Waste Management Plan accompanying the Development Application has not been approved.

An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of any ~~CC1~~ **CC2** Construction Certificate. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must provide the following details:

- (a) Further details are to be provided outlining how waste will be managed by retail tenants to minimise impacts to the public domain and how separation between residential and commercial waste management systems will be achieved.
- (b) Detail how safe access for residents is provided to dispose of bulky cardboard and food organics on each core in the basement. Resident accessible rooms must not be located in rooms where chutes discharge.
- (c) Detail how safe positioning on the turntable will be achieved to eliminate the risk of waste vehicle collision with walls due to off-centre positioning.
- (d) For Loading Docks in Buildings A and D – Unobstructed access is to be provided for Council's standard waste collection vehicle to perform scheduled on-site collections within the designated loading bay between the hours of 6am and 6pm on collection days.
- (e) Include a note confirming that building management staff will be available during waste collection to assist with bin transfer as requested by the City of Sydney or its contractors.



- (f) Confirm provision of ride on bin moving equipment and flat trailer to support bin management and movement to loading dock for two sites (Building C/D/E & Buildings A/B).

**Reason**

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

**(60) LOADING DOCK AND BASEMENT MANAGEMENT PLAN**

Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate, a revised Loading Dock and Basement Management Plan incorporating the following points is to be submitted to and approved by Council's Area Planning Manager:

- (a) Detail how safe positioning on the turntable will be achieved to eliminate the risk of waste vehicle collision with walls due to off-centre positioning.
- (b) For Loading Docks in Buildings A and D – Unobstructed access is to be provided for Council's standard waste collection vehicle to perform scheduled on-site collections within the designated loading bay between the hours of 6am and 6pm on collection days.
- (c) Confirm that building management staff will be available during waste collection to assist with bin transfer as requested by the City of Sydney or its contractors.

**Reason**

To ensure orderly development within the loading dock.

**(61) WASTE INFRASTRUCTURE – RESIDENTIAL**

(B) Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments*. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.
- (b) Waste chute system to be designed in accordance with Section B and Reference E of the City of Sydney Guidelines for Waste Management in New Developments. Proposed configuration of chute systems in waste chute discharge rooms including linear tracks and chute offset to be detailed in plan and section.
- (c) Integrated on-site waste collection and loading infrastructure to accommodate Council's standard 10.6m waste collection vehicle.

**Reason**

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

**(62) WASTE INFRASTRUCTURE – COMMERCIAL**

Prior to the issue of any ~~CC1~~ **CC2** Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided are to be responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of Council's Guidelines for Waste Management in New Developments. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

**Reason**

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

**(67) STORMWATER DRAINAGE DESIGN**

Prior to issue of any **CC2** Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (d) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (e) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (f) Council's Stormwater Drainage Manual; and
- (g) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

**Reason**

To ensure stormwater drainage design complies with Council's requirements.

**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 recommended conditions of consent, 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) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that 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.
- (C) The development is permissible with consent in the MU1 - Mixed Use zone and is consistent with the objectives of the zone.
- (D) The proposed development complies with the maximum floor space ratio controls pursuant to clauses 4.4, 6.14 and 6.21D of the Sydney Local Environmental Plan 2012.
- (E) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development is consistent with the design intent of the winning schemes of the competitive design alternatives processes for the site, held in accordance with the City of Sydney Competitive Design Policy.
- (G) The proposal satisfies the relevant provisions and matters contained in clause 7.20 of the Sydney Local Environmental Plan 2012 relating to development requiring the preparation of a development control plan.
- (H) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, and the State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (I) The proposed development has a form, bulk and massing that is suitable for the site and its context and is appropriate in the setting of the Green Square Epsom Park locality.
- (J) Condition 1 was amended to correct an administrative error.
- (K) Condition 2 was amended to move some works to the second stage of development, to allow the commencement of excavation works without delay by avoiding the need to satisfy conditions unrelated to excavation. This change necessitated amendments to conditions 39, 44, 45, 53, 55 to 62 and 67 as a consequence.
- (L) Condition 3 was amended to correct an administrative error.
- (M) Condition 7 was amended to allow the Affordable Housing Contribution to be paid in two stages, and to correct a typographical error in relation to the total floor area for non-residential development.
- (N) Condition 52 was amended to ensure consistency with the timing of the monetary contribution specified in the Voluntary Planning Agreement.

Carried unanimously.

D/2024/514

### **Speakers**

Greg Colbran (Deicorp) – on behalf of the applicant, Angelo Candalepas (Candalepas and Associates) – on behalf of the applicant, and Craig Baudin (Fender Katsalidis) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 4.

**Item 5 Modification Application: 330 Botany Road, Alexandria, D/2021/1484/A**

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

It is resolved that consent be granted to Section 4.55(1A), Application Number D/2021/1484/A subject to the amendment of Condition numbers 2,15 and 21, as follows.

Modifications are shown in **bold italics** (additions) and ~~strikethrough~~-(deletions).

**2. APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2021/1484 dated 20 December 2021 and the following drawings prepared by ~~SJB~~ **AJC** Architects:

Drawing Number	Drawing Name	Date
SK-0103E / 14 <b>DA0103E Rev 18</b>	Envelope – Site Plan	<del>29/05/2023</del> <b>08/07/2024</b>
SK-0501E / 11 <b>DA0501E Rev 12</b>	Envelope – Elevation – East and West	<del>24/05/2023</del> <b>08/07/2024</b>
SK-0502E / 17 <b>DA0502E Rev 18</b>	Envelope – Elevation – North and South	<del>29/05/2023</del> <b>08/07/2024</b>
SK-0601E / 11 <b>DA0601E Rev 12</b>	Envelope - Sections	<del>24/05/2023</del> <b>08/07/2024</b>

and as amended by the conditions of this consent.

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

**Reason**

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

**15. DEEP SOIL**

Deep soil must be provided in the locations illustrated on the drawing titled Envelope Site Plan, ~~SK-0103E~~ **DA0103E Rev 18**, prepared by ~~SJB~~ **AJC** and as modified in accordance with the DESIGN MODIFICATIONS – ENVELOPE DRAWING condition above. Deep soil zones must not be encumbered by structures within, above or below the zone except those constructed of lightweight materials such as timber decking or water permeable paving that allow for filtration of rainwater into the ground.

## Reason

To ensure deep soil is provided in the detailed building design.

## 21. TREES IDENTIFIED FOR REMOVAL

- (a) For the purposes of the competitive design process and subsequent DA for the detailed design of the building the tree detailed in Table 1 below is identified for removal.
- (b) No consent is granted or implied for any tree removal works under this consent. Consent for tree removal must be sought under a subsequent DA for the detailed design of the building.

Table 1 – Tree Removal:

Tree No	Botanical (Common Name)	Location
5	Cupressus macrocarpa (Monterey Cypress Pine)	330 Botany Road
12	<b><i>Robinia pseudoacacia</i></b> <b>(Black Locust)</b>	<b>330 Botany Road - fronting Botany Road.</b>
13	<b><i>Corymbia citriodora</i></b> <b>(Lemon Scented Gum)</b>	<b>330 Botany Road - fronting Botany Road.</b>
14	<b><i>Eucalyptus botryoides</i></b> <b>(Bangalay)</b>	<b>330 Botany Road - fronting Botany Road.</b>
15	<b><i>Robinia pseudoacacia</i></b> <b>(Black Locust)</b>	<b>330 Botany Road - fronting Botany Road.</b>
16	<b><i>Eucalyptus microcorys</i></b> <b>(Tallowood)</b>	<b>330 Botany Road - fronting Botany Road.</b>
17	<b><i>Cinnamomum camphora</i></b> <b>(Camphor Laurel)</b>	<b>330 Botany Road - fronting Botany Road.</b>

## Reason

To identify trees that may be removed subject to any subsequent DA for the detailed design of the building.

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The development as proposed to be modified is substantially the same as was originally approved under D/2021/1484 and is consistent with the requirements of Section 4.55(1A) 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 modification to the building envelope ensures that the detailed design development application (D/2024/581) is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (D) The proposed modification to expand the building envelope will not contribute to any adverse amenity impacts to the public domain or adjoining properties and will be in keeping with the future character of the locality. The variation is reasonable and justified with regard to the detailed design development application D/2024/581.
- (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/2021/1484/A

### **Speaker**

Lisa Sorrentino (City West Housing) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 5.

**Item 6      Development Application: 330 Botany Road, Alexandria, D/2024/581**

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

It is resolved that:

- (A) the variation requested to Clause 4.3 Height of Building in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2024/581 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) 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 Clause 4.3 Height of Building development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the E3 Productivity Support zone, Clause 4.3 Height of Buildings development standard and Clause 4.4 Floor Space Ratio development standard; and
  - (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; and
  - (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; and
  - (v) the Stage 1 concept approval, D/2021/1484 is proposed to be amended concurrently with this D/2024/581 and ensures that the concept and detailed design envelopes are consistent; and

- (vi) the proposal is consistent with the design and intent of the winning scheme from the Competitive Design Alternatives Process (Council reference CMP/2021/3).

Carried unanimously.

D/2024/581

**Speaker**

Lisa Sorrentino (City West Housing) – on behalf of the applicant, addressed the meeting of the Central Sydney Planning Committee on Item 6.



**Item 7      Public Exhibition - Planning Proposal - Affordable Housing Contributions Review - Sydney Local Environmental Plan 2012, Sydney Local Environmental Plan (Green Square Town Centre) 2013, Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013 and Draft City of Sydney Affordable Housing Program 2024**

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - City of Sydney Affordable Housing Contributions Review, shown at Attachment A to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - City of Sydney Affordable Housing Contributions Review, 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 Equity and Housing Committee on 9 December 2024, that Council approve the draft City of Sydney Affordable Housing Program Amendment 2024, shown at Attachment B to the subject report, for public exhibition concurrently with the planning proposal;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Equity and Housing Committee on 9 December 2024, that Council seek authority from the Department of Planning, Housing and Infrastructure to exercise its delegation under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the amending Local Environmental Plan; and
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - City of Sydney Affordable Housing Contributions Review and the draft City of Sydney Affordable Housing Program Amendment 2024, to correct any minor errors or inconsistencies, or to ensure consistency with any condition of the gateway determination.

Carried unanimously.

X099241

**Item 8      Public Exhibition - Planning Proposal - Modern Residential Flat Buildings, Powerhouse Museum and Oxford Street LGBTIQA+ Heritage Items - Sydney Local Environmental Plan 2012 Amendments**

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 - Modern Residential Flat Buildings Heritage Items, shown at Attachment A to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Modern Residential Flat Buildings Heritage Items 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 9 December 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 - Modern Residential Flat Buildings Heritage Items;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Modern Residential Flat Buildings Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination;
- (E) the Central Sydney Planning Committee approve the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items, shown at Attachment B to the subject report, for submission to the of Planning, Housing and Infrastructure with a request for a gateway determination;
- (F) the Central Sydney Planning Committee approve the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items as shown at Attachment B for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;
- (G) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 9 December 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 - Oxford Street LGBTIQA+ Heritage Items;
- (H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination; and

- (I) the Central Sydney Planning Committee defer consideration of the Planning Proposal - Powerhouse Museum Heritage Item Amendment, shown at Attachment C to the subject report, to enable a review of the purpose and additional benefit of the local listing against the recently expanded state heritage listing.

Carried unanimously.

X109515, X098649, X091578

**Speakers**

Jennifer Saunders (Powerhouse Museum Alliance) and Kylie Winkworth addressed the meeting of the Central Sydney Planning Committee on Item 8.

**Item 9 Post Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

Moved by the Chair (the Lord Mayor), seconded by Sean O'Toole -

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal - 232-240 Elizabeth Street, Surry Hills, the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, and draft Voluntary Planning Agreement, as shown in Attachment D to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, and request the relevant local plan making authority make the planning proposal as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 9 December 2024, that Council approve the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment B to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - 232-240 Elizabeth Street, Surry Hills and the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any minor errors or omissions prior to finalisation; and
- (E) the Central Sydney Planning Committee note the draft Voluntary Planning Agreement, as shown at Attachment C to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

Carried unanimously.

X094617

The meeting of the Central Sydney Planning Committee concluded at 6.28pm.

CHAIR