

**Item 6.****Development Application: 483 George Street, Sydney****File No.: D/2018/675****Summary****Date of Submission:** 20 June 2018**Applicant:** Thomas Kelly Youth Foundation**Owner:** City of Sydney Council**Cost of Works:** Nil**Zoning:** B8 Metropolitan Centre zone. The proposed development is permissible with consent.**Proposal Summary:** Use of part of Sydney Square for the "Take Kare Safe Space and Ambassador Program" provided by the Thomas Kelly Youth Foundation with associated temporary structures. Proposed hours are 9.30pm to 4.00am (the following day) on Fridays, 9.30pm to 4.00am (the following day) on Saturdays, 9.00pm to 4.00am (the following day) on New Years Eve and 9.30pm-4.00am (the following day) on Australia Day Eve, Good Friday Eve and Anzac Day Eve.

The application is reported to the Local Planning Panel as the subject site is owned by the City of Sydney Council.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.**Development Controls:**

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2018/675 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) the proposal involves the installation of temporary structures and use of part of Sydney Square, and has acceptable environmental impacts;
- (B) the proposal will not detrimentally impact on the heritage significance of the site;
- (C) a Section 57(2) Exemption was granted by Office of Environment and Heritage and endorsed under exemption 7 involving *minor activities with little or no adverse impact on heritage significance*;
- (D) the proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012;
- (E) the proposal is in the public interest.

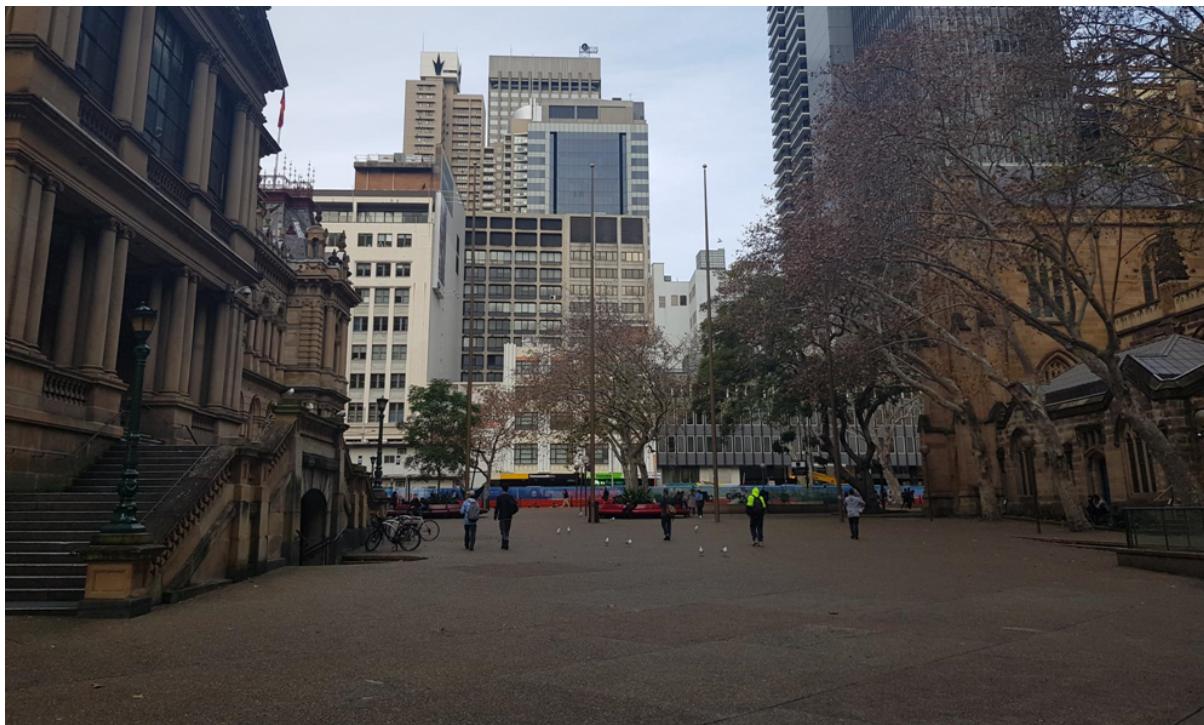
## Background

### The Site and Surrounding Development

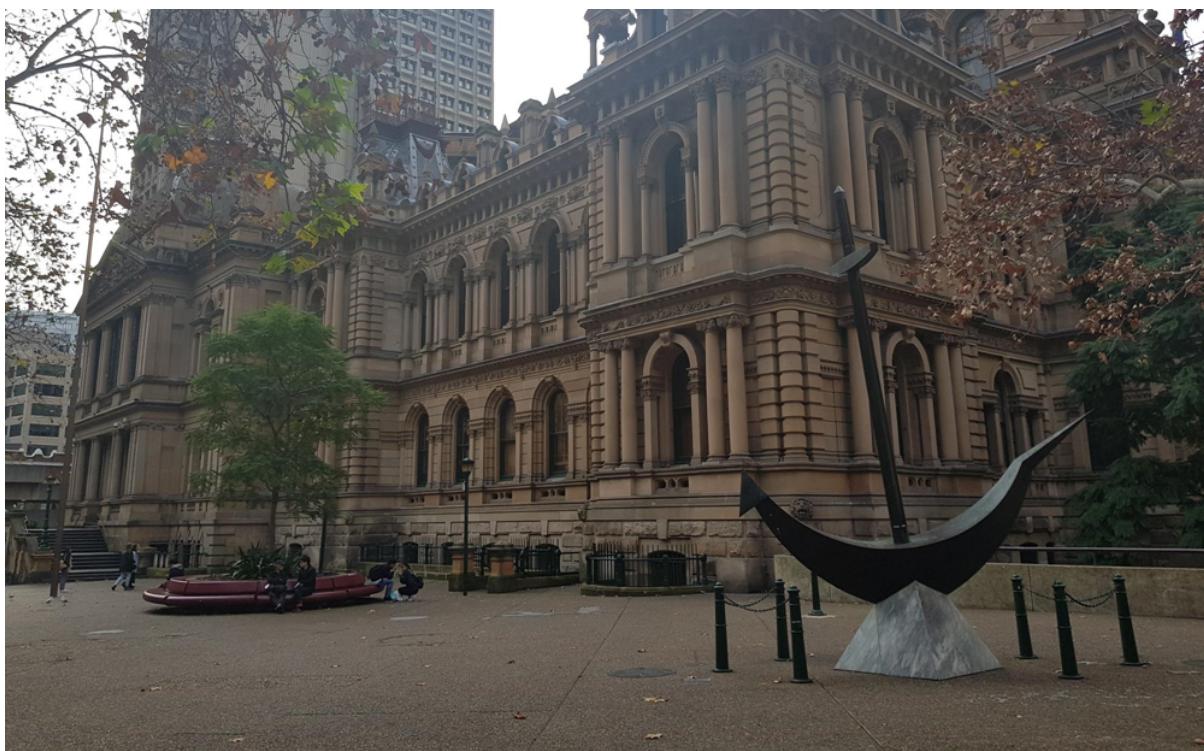
1. A site visit was carried out on 29 June 2018.
2. The site is irregular in shape with an approximate area of 7,380sqm. It has a primary street frontage to George Street and a secondary street frontage to Druitt Street.
3. The subject area is known as Sydney Square. It is a public square located between Sydney Town Hall and St Andrews Cathedral. Both are heritage items of State significance.
4. Surrounding land uses are commercial offices, retail, community facilities and places of public worship. Surrounding buildings are of a contemporary architectural style as well as significant heritage buildings including Sydney Town Hall, St Andrews Cathedral and the Queen Victoria Building.
5. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial image of subject site and surrounding area.



**Figure 2:** Sydney Square, facing east towards George Street.



**Figure 3:** Sydney Square and Town Hall, facing west from George Street.

## Proposal

6. Approval is sought for use of part of Sydney Square for a community facility by the "Take Kare Safe Space and Ambassador Program" provided by the Thomas Kelly Youth Foundation.
7. A community facility in Sydney Local Environmental Plan 2012 means a building or place:
  - (a) *owned or controlled by a public authority or non-profit community organisation, and*
  - (b) *used for the physical, social, cultural, or intellectual development or welfare of the community,*

*But does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

8. The community facility is proposed within a temporary structure as defined in the Sydney Local Environmental Plan 2012. Temporary structures include a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent) and also includes a mobile structure.
9. Details of the proposal are as follows:

**(a) Use - Providing outreach support for the community;**

The Thomas Kelly Youth Foundation facilitates safety for youth and vulnerable people late at night. Services focus on those who may be vulnerable to alcohol, physical, or sexual assault, theft, are lost or susceptible to injury.

**(b) Temporary structure**

- (i) Installing a temporary pop-up marquee measuring 6m (width) x 3m (depth) x 3m (height). This structure provides a static support space linking young people to appropriate outreach services. It also provides basic needs such as water, thongs, basic first aid, phone charging, and practical support returning home late at night;
- (ii) The temporary marquee structure will be delivered during operating nights via a vehicle and erected by hand. No special tools are required.

**(c) Hours of operation**

- (i) 9.30pm to 4.00am (the following day) on Fridays;
- (ii) 9.30pm to 4.00am (the following day) on Saturdays;
- (iii) 9.00pm to 4.00am (the following day) on New Years Eve;
- (iv) 9.30pm to 4.00am (the following day) on Australia Day Eve;
- (v) 9.30pm to 4.00am (the following day) Good Friday Eve; and
- (vi) 9.30pm to 4.00am (the following day) Anzac Day Eve.

(d) Temporary consent

A 3-year temporary s57 (2) Exemption approval was granted by the Office of Environment and Heritage.

10. Plans of the proposed development are provided below.

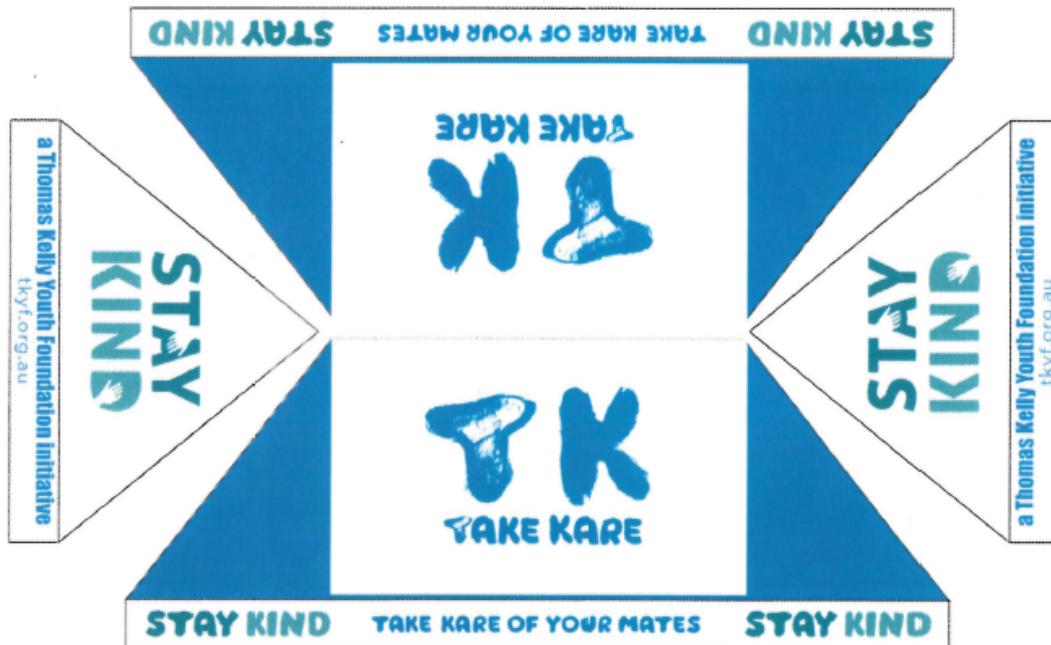


Figure 4: Proposed artwork of the marquee.



Figure 5: Example of marquee structure.

## History Relevant to the Development Application

11. On 29 August 2016, Development Application D/2016/927 was approved for the temporary use of part of Sydney Square for a St Johns Ambulance Australia initiative known as 'Safe Space' with associated temporary structures.
12. The approved hours of operation were 9.30pm to 4.00am (the following day) on Fridays and Saturdays as well as 9.00pm to 4.00am (the following day) on New Years Eve.
13. Approval was granted for a trial period of 2 years, which lapsed on 31 July 2018. The subject application seeks renewal of the use of the site for a community facility with services provided by a different organisation.

## Economic/Social/Environmental Impacts

14. The application is assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, as follows:
  - (a) Environmental Planning Instruments and DCPs.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)**

15. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
16. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
  - (a) protect and improve hydrological, ecological and geomorphologic processes;
  - (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off;
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
17. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

## **Heritage Act 1977**

18. The site contains a heritage item listed on the State Heritage Register, being 'Sydney Town Hall House including interior' (SHR01452). The application was accompanied with a S57(2) Exemption pursuant to the Heritage Act 1977. Therefore, the application is exempt from being Integrated Development under this Act.

**Sydney LEP 2012**

19. The site is located within the B8 Metropolitan Centre zone. The proposal is defined as a community facility and temporary structure. Both are permissible with consent
20. The relevant matters under Sydney Local Environmental Plan 2012 for the proposal are outlined below.

## Compliance Tables

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of Buildings	Yes	The proposed marquee has a height of 3m and complies with the maximum height control.
4.4 Floor Space Ratio	Yes	The proposed marquee does not constitute floor space as defined in Sydney LEP 2012. Therefore, no alteration of the existing floor space ratio is proposed.
5.10 Heritage conservation	Yes	<p>The subject site is listed on the State Heritage Register. A Section 57(2) Exemption was granted by the NSW Heritage Council on 2 July 2018 as the proposal is a minor activity with little or no adverse impact on heritage significance (standard exemption no. 7).</p> <p>The conditions prescribed in the exemption are included in the recommended conditions.</p> <p>The proposal does not detrimentally impact on the heritage significance of Sydney Town Hall or other neighbouring heritage buildings.</p>
6.19 Overshadowing on certain public places	Yes	<p>The proposal involves the erection of a temporary structure on Sydney Square. The Clause prescribes no development is to result in additional overshadowing between 11.00am to 4.00pm.</p> <p>Given the proposed hours of operation of 9.30pm to 4.00am are outside of the nominated hours, the proposal does not result in additional overshadowing at any time of the year to Sydney Square.</p>

### Sydney DCP 2012

21. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

<b>2. Locality Statements – Sydney Square/Town Hall/St Andrews Special Character Area</b>
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The subject site is located in the Sydney Square/Town Hall/St Andrews Special Character Area. The proposed use and installation of temporary structures to part of Sydney Square (generally two days a week and in the evening/early morning hours) does not involve material alterations to the heritage buildings on the site. Therefore, the proposal maintains the prominent heritage character of the locality.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.1 Public Domain Elements	Yes	The proposal makes a positive contribution to the public domain by using a busy public area during night time hours to benefit the community and increasing public safety.
3.9 Heritage	Yes	A s57(2) Exemption approval was granted by the OEH.
3.14 Waste	Yes	A condition is recommended for the proposal to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.
3.15 Late Night Trading Management	Yes	<p>The site is located within the City Living Area. Sydney DCP 2012 prescribes extended hours of operation for both Category A and Category B premises to operate until 5am.</p> <p>There are several licensed and late-night trading premises operating under a range of trading hours in the area. The proposed hours of operation are appropriate in providing service to the public. This is consistent with other late night trading premises and the hours of operation prescribed by the DCP.</p>

### Other Impacts of the Development

22. The proposal will have no significant detrimental environmental, social or economic impacts on the locality, subject to recommended conditions.

**Suitability of the site for the Development**

23. The proposal is of a nature that is in keeping with the overall function of the site. The proposal is appropriate to provide services to the public in a setting comprising several late-night activities.

**Internal Referrals**

24. The conditions of other sections of Council are included in the recommended conditions.
25. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; Safe City; who advised that the proposal is acceptable subject to the recommended conditions.

**External Referrals**

26. The site is located within close proximity to the CBD and South East light rail corridor and construction zone. As such, the proposal was referred to Transport for NSW (TfNSW) for comment.
27. On 24 July 2018, written correspondence was received from TfNSW confirming support of the proposal, subject to recommended conditions.
28. The application was referred to NSW Police for a period of 21 days. On 10 August 2018, written correspondence was received from Sydney City Local Area Command who raised concern that the use would increase antisocial behaviour and crime. A specific condition was recommended requiring security personnel to be provided during the hours of operation.
29. An alternative condition was concurred for the operator/manager to liaise directly with the Sydney City Local Area Command for any information and training relating to responding to intoxicated and aggressive behaviours and would be responsible for the cascading of information and training to all staff and volunteers.
30. The other conditions recommended by NSW Police have been incorporated in the recommended conditions.

**Notification, Advertising and Delegation (No Submissions Received)**

31. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified for a period of 21 days. This occurred between 4 July 2018 and 25 July 2018. No submissions were received.

**Public Interest**

32. The proposal will have no detrimental effect on the public interest, subject to imposition of recommended conditions.

### **S61 Contribution**

33. The cost of the development is under \$200,000 and the development is therefore not subject to a levy pursuant to the Central Sydney (Section 61) Contributions Plan 2013.

### **Conclusion**

34. The proposal involves the installation of temporary structures on part of Sydney Square for a community facility and does not result in adverse environmental impacts.
35. The proposed hours of operation are appropriate considering the nature of the services provided by the facility and the location of the site in an active city area comprising numerous licensed and late night trading premises. The proposed community service use is complementary to these late night activities attracting young people to the area late at night.
36. A Section 57(2) Exemption approval has been granted by the Office of Environment and Heritage as the proposal does not detrimentally impact the heritage significance of the site, subject to conditions;
37. In accordance with Clause 6.19 of Sydney LEP, the proposal does not result in additional shadowing to Sydney Square during 11.00am to 4.00pm. Therefore, development consent can be granted to the development; and
38. The proposal generally satisfies the objectives and provisions of Sydney LEP 2012 and Sydney DCP 2012, and is recommended for approval.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Reinah Urqueza, Planner