

## Relevant Information for Central Sydney Planning Committee

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**FILE:** D/2019/857 **DATE:** 14 May 2020

**TO:** The Central Sydney Planning Committee

**FROM:** Graham Jahn AM, Director City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 4 – Development Application: 505 – 523 George Street, Sydney – D/2019/857

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### Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2019/857, subject to the conditions detailed in Attachment A to the subject report to the Central Sydney Planning Committee on 14 May 2020, subject to amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~) shown in Attachment A to the Information Relevant to Item 4 Memorandum.

### Background

On 11 May 2020, the City received correspondence from the applicant which identified minor issues and errors in the Central Sydney Planning Committee report and recommended conditions of consent contained in Attachment A to the Central Sydney Planning Committee Report (Item 4). A copy of the correspondence from the applicant is provided at Attachment B.

A summary of the minor issues raised by the applicant and Council staff response to these issues and requested amendments to the recommended conditions of consent is provided in the table below.

Item No.	Comment
1	<p><b><i>Reference to Landowner</i></b></p> <p>On page 1 of the CSPC report, the landowner of the subject site is identified as 'Michael Coombes', whereas the correct landowner of the subject site is 'Coombes Property Group (CFT No 4 Pty Limited)'.</p> <p><u>Response / recommendation:</u></p> <p>The correct landowner is acknowledged. If the CSPC resolve to approve the subject application, the correct landowner will be included in the subsequent Notice of Determination.</p>
2	<p><b><i>Drawings not referenced in condition 1</i></b></p> <p><u>Requested amendment:</u></p> <p>The applicant requests that the Gross Floor Area (GFA) drawings and Demolition Site Plan are included in the plans referenced in condition 1 of the recommended conditions of consent.</p> <p><u>Response / recommendation:</u></p> <p>The subject drawings were intentionally omitted from condition 1. It is generally not common practice for compliance drawings such as GFA, solar access and the like, to be referenced in the approved drawings of a consent. The GFA for the development is specified in condition 6 of the recommended conditions of consent (as amended below in item 4).</p> <p>The Demolition Site Plan nominates the exact location for construction access on Kent Street and George Street. The construction access points are not recommended to be approved at this point in time. Conditions 80 and 186 of the recommended conditions of consent specifies that a Construction Pedestrian and Traffic Management Plan is required to be prepared in consultation with Council, Transport for NSW and the Sydney Light Rail Operator. The location of construction access point/s will be approved under the CTMP. The remaining demolition drawings referenced in condition 1 adequately show that all structures will be demolished from the site.</p> <p>Given the above, the requested inclusion of the subject drawings is not supported.</p>
3	<p><b><i>Minor typographical errors to drawings referenced in condition 1</i></b></p> <p><u>Requested amendment:</u></p> <p>The applicant has identified 5 typographical errors in the drawings referenced in condition 1 of the recommended conditions of consent.</p> <p><u>Response / recommendation:</u></p> <p>The typographical errors are noted and it is recommended condition 1 is amended accordingly.</p>

Item No.	Comment
4	<p><b>Condition 6 - Floor Space Ratio – Central Sydney</b></p> <p>The Gross Floor Area referenced in part (a) of condition 6 is incorrect. The correct total maximum permissible Gross Floor Area excluding wind affected balconies consistent with the drawings and with the written request submitted under Clause 4.6 of SLEP 2012 and supported in the CSPA assessment report is 65,447sqm.</p> <p><u>Current wording:</u></p> <p>(a) The Floor Space Ratio of the proposal must not exceed Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 63,383sqm inclusive of wind affected balconies.</p> <p><u>Requested amended wording:</u></p> <p>The Floor Space Ratio of the proposal must not exceed Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is <b>65,447sqm exclusive</b> of wind affected balconies.</p> <p><u>Response / recommendation:</u></p> <p>The GFA figure currently referenced in part (a) of condition 6 was imposed in error. The correct GFA figure (as per the assessment of the Clause 4.6 variation to FSR in the CSPC report) is <b>65,447sqm</b> exclusive of wind affected balconies. Condition 6 is recommended to be amended accordingly.</p>
5	<p><b>Condition 14 - Through Site Link and Publicly Accessible Toilets</b></p> <p>The applicant requests that the wording contained in part (a) of condition 14 is amended to be consistent with the definition of 'Toilet Facility' in the Voluntary Planning Agreement dated 7 August 2015.</p> <p><u>Current wording:</u></p> <p>(a) The through-site link (George Street and Kent Street) and public toilet facilities located within the George Street ground level podium are to remain accessible to the public at least between the hours of 6.00am – 10.00pm or longer if the retail is open.</p> <p><u>Requested amended wording:</u></p> <p>The through-site link (George Street and Kent Street) and public toilet facilities located within the George Street ground level podium are to remain accessible to the public in accordance with the Voluntary Planning Agreement dated 7 August 2015.</p> <p><u>Response / recommendation:</u></p> <p>The definition of 'Toilet Facility' contained in the subject Planning Agreement is:</p> <p><b>Toilet Facility</b> means the area or facilities described in the Performance Brief, being a publically available toilet facility within the Proposed Development that is on the George Street level of the Proposed Development and open during the core trading hours of the George Street retail level.</p>

Item No.	Comment
	<p>As seen in the definition above, the hours for which the toilet facility must remain open are not specified and may be ambiguous in terms of enforcing this condition. The hours of 6.00am – 10.00pm recommended in the condition are not just for the toilet facility to remain open but for the through site link as well. The recommended hours of 6.00am – 10.00pm for the toilet facility and through site link to remain open are consistent with Section 3.1.2.2 (Through-site links) of the Sydney Development Control Plan 2012 (SDCP 2012).</p> <p>Given the above, the applicant's requested amendment to condition 14 is not supported and it is recommended that the condition remain in its current form as it is consistent with SDCP 2012.</p>
6	<p><b>Condition 27 - Shared Southern Side Boundary Wall</b></p> <p><u>Current wording:</u></p> <p>(a) If demolition of the existing building occurs prior to the demolition of the existing building on 505-523 George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at 523-529 George Street.</p> <p><u>Requested amendment:</u></p> <p>(a) If demolition of the existing building occurs prior to the demolition of the existing building on <b>525-529</b> George Street, a temporary southern side boundary wall must be constructed to provide adequate weather and fire safety protection of the building at <b>525-529</b> George Street.</p> <p><u>Response / recommendation:</u></p> <p>The current wording of part (a) of condition 27 contains typographical errors. It is recommended that the condition is amended as per applicant's requested amendment.</p>
7	<p><b>Condition 62 - Residential Storage</b></p> <p>The applicant states that a minor correction is required as reference to 10m<sup>3</sup> minimum storage space per apartment is not consistent with objective 4G-1 of the ADG and therefore request removal of specific reference to storage area. Minimum storage space per apartment is as follows:</p> <ul style="list-style-type: none"> <li>• Studio – 4m<sup>3</sup></li> <li>• One Bedroom – 6m<sup>3</sup></li> <li>• Two Bedroom – 8m<sup>3</sup></li> <li>• Three + Bedroom – 10m<sup>3</sup></li> </ul> <p><u>Current wording:</u></p> <p>Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide which requires 10m<sup>3</sup> of storage space per apartment.</p>

Item No.	Comment
	<p><u>Requested amended wording:</u></p> <p>Prior to the issue of a Construction Certificate for any part of the Tower, a storage schedule and diagrams must be submitted to the Accredited Certifier for approval. The minimum storage requirements must be in accordance with Objective 4G-1 of the Apartment Design Guide <del>which requires 10m<sup>3</sup> of storage space per apartment.</del></p> <p><u>Response / recommendation:</u></p> <p>The specific reference to 10m<sup>3</sup> relates to three bedroom apartments only and was imposed in error. It is recommended that the condition is amended as per the applicant's request.</p>
8	<p><b><i>Condition 94 - Landscaped (Green) Roofs</i></b></p> <p>The applicant states that a tower of this scale will inevitably require staged occupation both within the podium and the tower. The Green Roof incorporated as part of the Architectural Roof Feature will be one of the final inclusions to the top of the building and therefore it is unreasonable to delay occupation of completed lower parts of the building until this element of the landscaping is complete.</p> <p><u>Current wording:</u></p> <p>(a) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate.</p> <p><u>Requested amended wording:</u></p> <p>(a) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate <b>for the relevant segment.</b></p> <p><u>Response / recommendation:</u></p> <p>The applicant's request is reasonable and is supported. Part (a) of condition 94 is recommended to be amended as per the applicant's request</p>
9	<p><b><i>Condition 113 – Demolition/Site Rectification</i></b></p> <p>The applicant states that due to the staging and design programme for a building of this scale it is unreasonable to require Construction Certificates to be resolved to Podium P1 prior to the commencement of demolition. Request that the referenced Construction Certificate be Basement Structure (B2).</p> <p><u>Current wording:</u></p> <p>(a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the Podium 1 (P1) Construction Certificate has been issued.</p> <p>(b) Prior to the P1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.</p>

Item No.	Comment
	<p><u>Requested amended wording:</u></p> <p>(a) Demolition or excavation which would require cessation of active street frontages uses must not commence until the <b>Basement Structure (B2)</b> Construction Certificate has been issued.</p> <p>(b) Prior to the <b>Basement Structure (B2)</b> construction certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.</p> <p><u>Response / recommendation:</u></p> <p>The applicant's request is reasonable and is supported. Parts (a) and (b) of condition 113 are recommended to be amended as per the applicant's request.</p>

Prepared by: Tahlia Alexander, Specialist Planner

## Attachments

**Attachment A.** Modifications to Recommended Conditions of Consent

**Attachment B.** Applicant's Response to Recommended Conditions of Consent

Approved



**GRAHAM JAHN AM**

Director City Planning, Development and Transport