

30 JANUARY 2019

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**TO:** SYDNEY EASTERN CITY PLANNING PANEL

**FROM:** PLANNING INGENUITY – JULIE HORDER

**SUBJECT:** PANEL REFERENCE: 2017SCL042 DA – RESPONSE TO PANEL QUERIES

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This memo responds to questions raised by the Panel sent via email by the Planning Panels Secretariat on 29 January 2019 in regards to 2017SCL042.

**1. Please confirm if this is a staged development and provide reference where this is stated in the report / conditions.**

The Environmental Planning and Assessment Act 1979 was amended in August 2017 to replace "staged" development applications with "concept" development applications. Concept development applications are referred to in Section 4.22 of the Act.

The report for 2017SCL042 DA describes the proposal as a concept development application under Section 4.22 of the Act under the "proposal" heading on the first page of report (within the table) and on page 8 under "The Proposal". Throughout the report the development is referred to as a "concept" DA.

Proposed Condition 2 endeavours to articulate what is not approved as part of this DA and refers to this DA as a Stage 1 development consent. It is considered that this condition could be better worded as follows (new wording in bold and deletion in strikethrough):

~~2. MATTERS NOT APPROVED~~ APPROVAL FOR CONCEPT DEVELOPMENT APPLICATION

***Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a concept development application. A subsequent development application is required prior to commencement of any work on the site.***

*The following items are not approved and do not form part of this concept development application ~~Stage 1 development consent~~:*

*(a) Public Domain works along Deane Street, Marmaduke Street, Shaftesbury Road or George Street;*

*(b) the precise quantum of floor space;*

*(e) any demolition, construction, refurbishment and/or excavation; and*

*(f) the layout and number of hotel rooms.*



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Furthermore, it is also appropriate that the following recommendation be added into the assessment report:

***Recommendation:***

*It is recommended that the Sydney Eastern City Planning Panel grant consent to concept development application DA (85/2017) made under Section 4.22 of the EP&A Act 1979, subject to the following conditions of consent.*

Lastly, the description of approved development on the front page of the development consent will refer to the approval as a concept development application.

- 3. Members of the Panel believe that they cannot impose condition 3 Building Envelopes, which makes the consent subject to “an appropriate relationship with neighbouring and approved buildings”.**

It is considered that the deletion of “an appropriate relationship with neighbouring and approved buildings” from condition 3 is appropriate and as now proposed the conditions reads as a fair and reasonable condition:

**(3) BUILDING ENVELOPES**

- (a) Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring and approved buildings.*

- 4. Condition 5 Urban Design Principles is not certain enough for a condition, though it may be given as an advisory note guiding the design of Stage 2 of the application.**

The urban design principles in Condition 5 were composed by GMU and seek to create assurance that urban design principles for this development are instilled in future development application/s for this site. Whilst an advisory note does not hold the legal status of a condition of consent it is suggested that perhaps a condition referring to the urban design principles would be appropriate:

- (5) Subsequent development application/s are to include an assessment against the urban design principles contained within the advisory notes.*