

**ITEM 9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE -  
20 OCTOBER 2015****ITEM 9.1****DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

Councillor Linda Scott disclosed a significant, non-pecuniary interest in Item 9.8 on the agenda in that the premises, the subject of the development application, shares a boundary wall with the house of a member of her staff. Councillor Scott stated that she would not be present for discussion or voting on Item 9.8.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Planning and Development Committee.

**(b) Local Government and Planning Legislation Amendment (Political Donations)  
Act 2008**

No disclosures were made by any members of the public at this meeting of the Planning and Development Committee.

The Transport, Heritage and Planning Sub-Committee recommends the following:

**ITEM 9.2**

**URBANGROWTH NSW - UPDATE ON MAJOR URBAN RENEWAL PROJECTS (S122023)**

It is resolved that:

- (A) Council agree to extend the period of the New Parramatta Road Memorandum of Understanding, shown at Attachment A to the subject report, to December 2015;
- (B) authority be delegated to the Chief Executive Officer to finalise the Memorandum of Understanding for signature by the Lord Mayor (on behalf of Council);
- (C) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to further extend the period of the Memorandum of Understanding past December 2015, provided there are no changes to the terms of the Memorandum;
- (D) Council note the submissions to the Central to Eveleigh 'Vision, Principles and Key Moves', and the Bays Precinct 'Call for Great Ideas', which are available on Council's website;
- (E) Council note the Lord Mayor wrote to the Premier, Treasurer and Minister for Planning in May 2015 raising concerns about the sale of Australian Technology Park;
- (F) Council request the Lord Mayor write to the Minister for Planning seeking his consideration of the following actions:
  - (i) the planning authority and controls for the site are transferred to the City by amending State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Major Development) 2005 and Sydney Local Environmental Plan 2012;
  - (ii) UrbanGrowth NSW incorporate provisions into any contract of sale for the Australian Technology Park that will allow a willing future owner to dedicate the public domain, open space and recreation facilities to the City without cost; and
  - (iii) the making of a section 117 direction under the Environmental Planning and Assessment Act, 1979 that will require any future changes to planning controls in the Australian Technology Park to be consistent with its technology and innovation employment focus and not permitting any residential uses; and
- (G) Council request the Chief Executive Officer enter into discussions with UrbanGrowth NSW with the aim of identifying the best custodian of the building housing Australian Technology Park Innovations to ensure its strategic use is permanently secured.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Mant, seconded by Councillor Kemmis, and carried unanimously.)

The Transport, Heritage and Planning Sub-Committee recommends the following:

**ITEM 9.3**

**PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF ALEXANDRIA HOTEL - 35 HENDERSON ROAD EVELEIGH (X001925)**

It is resolved that:

- (A) Council approve the Planning Proposal: Heritage listing of Alexandria Hotel, Eveleigh, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for gateway determination;
- (B) Council approve the Planning Proposal: Heritage listing of Alexandria Hotel, Eveleigh for public exhibition in accordance with any conditions imposed under the gateway determination;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the planning proposal following receipt of the gateway determination;
- (D) Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all his functions under section 59 of the Environmental Planning and Assessment Act 1979 to make an amendment to Sydney Local Environmental Plan to list the Alexandria Hotel, 35 Henderson Road, Eveleigh, as a heritage item; and
- (E) Council note that Council's resolution to exhibit the item on the heritage schedule of Sydney Local Environmental Plan 2012 will extend the interim heritage order for another six months for a total of 12 months, to 27 July 2016.

**Speakers**

Mr Ben Noblet addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Mant, seconded by Councillor Forster, and carried.)

The Transport, Heritage and Planning Sub-Committee recommends the following:

**ITEM 9.4**

**POST EXHIBITION - DRAFT GUIDELINE TO PREPARING SITE SPECIFIC PLANNING PROPOSAL REQUESTS IN THE CITY OF SYDNEY EMPLOYMENT LANDS INVESTIGATION AREAS (S114733)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A to the subject report;
- (B) Council adopt the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A;
- (C) authority be delegated to the Chief Executive Officer to make minor variations to correct any minor oversights or drafting errors in the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A; and
- (D) Council note the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A, is intended to provide general guidance to the preparation and evaluation of site planning proposal requests in the City of Sydney Employment Lands Investigation Areas.

**Speakers**

Mr Wil Dwyer and Mr Tony Royal addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.4.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Mant, seconded by Councillor Kemmis, and carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mant, Scott and Vithoukas

Noes (1) Councillor Mandla.)

The Transport, Heritage and Planning Sub-Committee recommends the following:

**ITEM 9.5**

**POST EXHIBITION - DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 - GREEN SQUARE SETBACKS 2015 (S114984)**

It is resolved that:

- (A) Council note the matters raised in response to the exhibition of the Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015, shown at Attachment A to the subject report;
- (B) Council approve the Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015, shown at Attachment A, to take effect from the date on which the approval is notified in a local newspaper under clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (C) authority be delegated to the Chief Executive Officer to make any necessary minor corrections in the Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015, shown at Attachment A, prior to commencement.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Green, and carried unanimously.)

**The Transport, Heritage and Planning Sub-Committee recommends the following:**

**ITEM 9.6**

**FIRE SAFETY REPORTS (S105001)**

It is resolved that Council:

- (A) note the contents of the Fire Safety Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to J to the subject report;
- (C) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 2-4 Sterling Circuit, Camperdown, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 19-35 Bayswater Road, Potts Point, as detailed in Attachment C;
- (E) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 288-306 Wattle Street, Ultimo, as detailed in Attachment D;
- (F) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 19-31 Goold Street, Chippendale, as detailed in Attachment E;
- (G) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 145 King Street, Newtown, as detailed in Attachment F;
- (H) exercise its power to issue a notice of intention to give an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 1 Charlton Way, Glebe, as detailed in Attachment G;
- (I) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 130-144 Cleveland Street, Chippendale, as detailed in Attachment H;
- (J) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 70-70A Darlinghurst Road, Potts Point, as detailed in Attachment I; and
- (K) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 20-26 Bayswater Road, Potts Point, as detailed in Attachment J.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Mant, seconded by Councillor Kok, and carried.)

The Major Development Assessment Sub-Committee recommends the following:

**ITEM 9.7**

**DEVELOPMENT APPLICATION: 74-76 SURREY STREET DARLINGHURST (D/2015/757)**

It is resolved that consent be refused for Development Application No. D/2015/757 for the following reasons:

**(1) Density of Development (floor space ratio)**

The proposed development does not comply with Clause 4.4(2) of the Sydney Local Environmental Plan (LEP) 2012. The proposed development is inconsistent with SEPP 65 Principles: 4 – Density. A clause 4.6 variation request has been considered, however, the additional floorspace is considered to have adverse impacts on amenity and is not acceptable.

**(2) Height of building in metres and storeys**

The proposed development does not comply with Clause 4.3 of the Sydney LEP 2012 and Part 4.2.1 of the Sydney Development Control Plan (DCP) 2012, as it exceeds the height in metres and height in storeys controls. A clause 4.6 variation request has been considered, however, the additional height is considered to have adverse impacts on amenity and is not acceptable.

**(3) Heritage**

The proposal is contrary to the objectives of Clause 5.10 of Sydney LEP 2012 and Clauses 3.9.1, 3.9.6 and 3.9.7 of Sydney DCP 2012, as it fails to conserve the heritage significance of the heritage conservation area by replacing contributory buildings with an unsympathetic infill building of excessive bulk and scale. Sufficient justification for demolition of the contributory buildings has not been demonstrated.

**(4) Design Excellence**

The proposed development is inconsistent with Clause 6.21 (Design Excellence) of the Sydney LEP 2012 and Clause 4.2.4 (Fine grain, architectural diversity and articulation) of the Sydney DCP 2012 and does not achieve design excellence.

**(5) Design of residential units**

The proposed development does not comply with SEPP 65 and the Residential Flat Design Code, as well as Clause 4.2 of the Sydney DCP 2012. The development is unacceptable with respect to solar access, overshadowing, apartment orientation, private open space, privacy and lack of building separation.

**(6) Water and Flood Management**

The proposed development does not comply with Clause 3.7 of Sydney DCP 2012, as water and flood management issues have not been adequately addressed.

**(7) Waste**

The proposed development does not comply with Clause 3.14 of Sydney DCP 2012 with respect to waste and the *City of Sydney's Policy for Waste Minimisation in New Developments 2005*.

**(8) Solar Access**

Inadequate information has been provided to demonstrate that the proposal will comply with provisions for solar access to neighbouring development as required under Sydney DCP 2012 under Clauses 4.2.3.1(1), 4.2.3.1(2) and 4.2.3.1(3).

**(9) Public Interest**

The proposed development does not comply with Section 79C (e) of the Environmental Planning and Assessment Act 1979, because it fails to satisfy the relevant provisions of SEPP 65, the Sydney LEP 2012 and the Sydney DCP 2012.

**Speakers**

Mr James Morely, Ms Jennifer Milne, Mr Tim Janenko-Panaeff, Ms Petia Sevil and Ms Amanda Boziloff addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.7.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Mant, and carried unanimously.)



The Major Development Assessment Sub-Committee recommends the following:

**ITEM 9.8**

**DEVELOPMENT APPLICATION: 19-21 EVE STREET ERSKINEVILLE (D/2014/1805)**

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (B) Council refuse the request to vary the Floor Space Ratio development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/1805, subject to the following:

**SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**PART A - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

**(1) DESIGN MODIFICATIONS**

The design of the building and plans must be modified as follows:

- (a) The deeply recessed pedestrian entry from Eve Street is redesigned to present a visible and identifiable principal entry for the development to the street. The fire exit is to be clearly subservient in the front entry design.
- (b) A 1.2 metre high parapet is required to the entire roof area perimeter of the eastern building.
- (c) The rooftop level of the eastern building is to be reduced in area to comply with the maximum FSR prescribed in the Sydney LEP 2012 for the site. The amended design is to provide a simple rectilinear form set in a minimum 3m from all parapet edges of the building finished in a high quality roofing material.
- (d) Vertical alignment of matching windows and vertical partition walls is to be achieved on the Eve Street Facade.
- (e) The glass curtain wall to the Eve Street facade is to be redesign to align with internal floor levels and provide for light and natural ventilation.

- (f) A security mesh or solid retractable door is introduced to the basement entry, setback behind the principal building line to Eve Street.
  - (g) Fixed privacy screening is introduced on the eastern elevation for the northern most window of Unit 08 and the southernmost window of Unit 11, to restrict overlooking to the north and south respectively.
  - (h) Specific details for the exterior materials and treatment of the upper portion of the raised basement walls and boundary walls/fences to the common open space are to be included in the design plans. The design and/or materials is to address the respective change in elevation between properties and present an appropriate aesthetic when viewed from the neighbouring private properties.
- (D) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the Conditions above must be submitted to Council no later than two (2) years from the date of determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (E) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions/requirements identified in the Conditions above have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement Conditions above have been satisfied, the consent will become operative from the date of that written notification, subject to the Conditions of Consent listed in Part B (Conditions of Consent – Once Consent is Operational) of the subject report and any consequential amendments to them, necessary to achieve consistency with the Deferred Commencement Conditions listed in Part A.

### **Speakers**

Mr Gus Fares and Ms Janelle Boutros addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Mant, and carried unanimously.)

The Major Development Assessment Sub-Committee recommends the following:

#### ITEM 9.9

#### SECTION 96 APPLICATION: 37-41 BAYSWATER ROAD POTTS POINT (D/2013/718/B)

It is resolved that the Section 96 Modification Application No. D/2013/718/B be approved and Development Consent D/2013/178/A be modified as follows (with changes shown in ***bold italics (additions)***, or **~~strikethrough (deletions)~~**):

#### SCHEDULE 1A

##### (1) APPROVED DEVELOPMENT

- (a) Stage 1 development consent is granted only for:
- (i) A building envelope for a residential block;
  - (ii) Basement car parking; and
  - (iii) Retention of a portion of an existing contribution building.

As detailed in the following drawings prepared by Woods Bagot and submitted with Development Application D/2013/718/A dated 31 May 2013 ***and amended by D/2013/718/B dated 21 January 2015:***

Drawing Number	Architect	Date
<del>B-00-01-C</del>	BVN	14 November 2013
<del>B-01-02-C</del>	BVN	14 November 2013
<del>B-02-03-C</del>	BVN	14 November 2013
<del>B-02-04-C</del>	BVN	14 November 2013
<del>B-02-05-C</del>	BVN	14 November 2013
<del>B-02-06-C</del>	BVN	14 November 2013
<del>B-02-07-C</del>	BVN	14 November 2013
<del>B-B1-06-C</del>	BVN	14 November 2013
<del>B-B2-07-C</del>	BVN	14 November 2013
<del>C-XX-01-D</del>	BVN	14 November 2013
<del>C-XX-02-D</del>	BVN	14 November 2013
<del>C-XX-03-D</del>	BVN	14 November 2013

Drawing Number	Architect	Date
C-XX-04-D	BVN	14 November 2013
D-XX-01-E	BVN	18 November 2013
R-XX-09-C	BVN	14 November 2013

As amended by D/2013/718/A dated 17 December 2013 and the following drawings:

Drawing Number	Architect	Date
<b><i>B-00-01-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>B-01-02-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>B-02-03-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>B-03-04-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>B-04-05-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>B-B1-06-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>B-B2-07-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>C-XX-01-D</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>C-XX-02-D</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>C-XX-03-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>C-XX-04-D</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>
<b><i>D-XX-01-E</i></b>	<b><i>BVN</i></b>	<b><i>18 November 2013</i></b>
<b><i>R-XX-09-C</i></b>	<b><i>BVN</i></b>	<b><i>14 November 2013</i></b>

***Amended 17 December 2013***

Drawing Number	Architect	Date
<b><i>AR-B-00-01 Rev F</i></b>	<b><i>Woods Bagot</i></b>	<b><i>21 July 2015</i></b>

Drawing Number	Architect	Date
<i>AR-B-00-02 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-03 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-04 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-05 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-06 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-B-00-07 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-01 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-02 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-03 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-04 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-D-00-01 Rev H</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-R-00-09 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>

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.

*(Amended 26 October 2015)*

**(2) NOT APPROVED**

Consent is not granted for the following:

- (a) Any physical works, demolition, refurbishment and / or excavation;

- (b) The layout and number of residential units and car parking spaces;
- (c) The design of the building exteriors including facades or roofs, and
- (d) An additional 10 % bonus height or FSR;
- (e) Public domain and landscape design.

**(3) STAGE 2 TO BE CONTAINED WITHIN THE APPROVED ENVELOPE**

The detailed design developed under any future Stage 2 development application shall be contained within the building footprint and envelopes approved as part of this consent. Any modification of the envelopes must be fully justified and compliant with all relevant planning controls.

**(4) DESIGN AMENDMENTS**

- (a) ~~No approval is given by this consent for the proposed parapet shown on drawings C-XX-01 Issue D, C-XX-02 Issue D, C-XX-03 issue C and C-XX-04 issue D. Any future competition brief, or Stage 2 development application is comply with the 27m height limit set by the Sydney LEP 2012.~~
- (b) ~~No approval is given by this consent for the 'potential zone for development amenity' as shown on drawing B-02-03 issue C or any other drawing. SEPP.~~
- (c) No approval is given by this consent for a quantum of car parking. The final quantity of car parking is to be the subject of a Stage 2 development application and must comply with the provisions of the Sydney LEP 2012 and Sydney DCP 2012.

*(Amended 26 October 2015)*

**(5) FLOOR SPACE RATIO**

No approval is given by this consent for a quantum of floor space. The final floor space – Stage 2- must comply with the provisions of the Sydney LEP 2012.

**(6) BUILDING HEIGHT**

The height of the building must not at any point exceed 27m as defined by the Sydney LEP 2012 including any rooftop plant.

**(7) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE**

Any Stage 2 Development Application must comply with all aspects of SEPP 65 and the Residential Flat Design Code (RFDC). A detailed table of compliance is to be submitted with any Stage 2 DA showing compliance with SEPP 65 and the RFDC in particular the 'rules of thumb'.

**(8) HERITAGE**

- (a) Works to the main part of the existing building on the site, including the facade treatment, is to be the subject of a detailed heritage assessment and heritage impact statement, prepared by a suitably qualified and experienced heritage consultant prior to the submission of a competition brief or a Stage 2 development application.
- (b) This is to include historical research, a detailed fabric analysis, an assessment of significance in accordance with the standard NSW Heritage Office criteria and recommended management guidelines. As much as possible of the original/early significant fabric and the original room configuration is to be retained.

**(8A) HOURS OF USE OF COMMON AREAS AND FACILITIES**

*The use of the communal roof top terrace must be restricted to between 7.00am and 10.00pm daily.*

**(9) COMPETITIVE PROCESS**

A competitive process must be held in accordance with Clause 6.21 of the Sydney LEP 2012 and Clause 3.3 of the Sydney DCP 2012. The competition must be held prior to the lodgement of a Stage 2 development application for the building.

The competition brief shall address the following:

- (a) The retention of the façade of the existing contributory building known as Hensley Hall. In addition, as much as possible of the original/early significant fabric and the original room configuration is to be retained.
- (b) The competition brief is to include detail as to how appropriate separation will be achieved between the rear of the site and residential buildings with frontage to Goderich Lane.
- (c) The competition brief is to include the necessity to comply with SEPP 65, the Sydney LEP 2012 and the Sydney DCP 2012 including apartment mix.
- (d) Basement access arrangements are not to be limited to a car lift. A standard ramp is to be investigated as a potential alternative.
- (e) The competition brief is to be submitted to and approved by the Director City Planning, Development and Transport prior to a competitive process taking place.

**(10) WASTE COLLECTION**

The Stage 1 application indicates waste collection and servicing will require loading to occur from the kerb side spaces. As part of the future Stage 2 application the applicant must include a waste transfer room at the ground floor level.

**(11) PUBLIC DOMAIN PLAN**

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section as part of the future Stage 2 Development Application.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

**(12) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted as part of the future Stage 2 Development Application. The plan must include:
- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage and watering systems.

(Note – this matter was dealt with by the Planning and Development Committee as follows:

Moved by Councillor Kok, seconded by the Chair (the Lord Mayor) –

That the recommendation contained in the officers' report be adopted, subject to the addition of the following new condition:

**(8A) HOURS OF USE OF COMMON AREAS AND FACILITIES**

The use of the communal roof top terrace must be restricted to between 7.00am and 10.00pm daily.

Carried unanimously.)



**The Major Development Assessment Sub-Committee recommends the following:**

**ITEM 9.10**

**DEVELOPMENT APPLICATION: 37-41 BAYSWATER ROAD POTTS POINT (D/2015/32)**

It is resolved that consent be granted to Development Application No. D/2015/32, subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Mant, and carried unanimously.)

The Major Development Assessment Sub-Committee recommends the following:

**ITEM 9.11**

**DEVELOPMENT APPLICATION: 18 OXLEY STREET GLEBE - BRIDGEWATER (D/2015/615)**

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/615, subject to the conditions as detailed in the subject report.

**Speakers**

Mr Rob Walters addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.11.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Mant, seconded by Councillor Kemmis, and carried unanimously.)

The Major Development Assessment Sub-Committee recommends the following:

**ITEM 9.12**

**DEVELOPMENT APPLICATION: 105-115 PORTMAN STREET ZETLAND (D/2015/95)**

It is resolved that consent be granted to Development Application No. D/2015/95, subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Kemmis, and carried unanimously.)

**The Development Assessment Sub-Committee recommends the following:**

**ITEM 9.13**

**DEVELOPMENT APPLICATION: 2 CONEILL PLACE FOREST LODGE (D/2015/982)**

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/982, subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Mant, seconded by the Chair (the Lord Mayor), and carried.)

The Development Assessment Sub-Committee recommends the following:

**ITEM 9.14**

**SECTION 82A REVIEW APPLICATION: 2 PRINTERS LANE DARLINGHURST (RD/2015/341/A)**

It is resolved that:

- (A) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clauses 4.4 (Floor Space Ratio) and 4.6 (Height) of the Sydney Local Environmental Plan 2012 be supported by Council in this instance;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Section 82A Review Application No. RD/2015/341/A, subject to the following condition:

**(1) SURRENDER OF CONSENT**

The applicant shall surrender the existing consent given in Notice of Determination No. D/2009/2109/A, dated 30 September 2010, in accordance with the Clause 97 of the Environmental Planning and Assessment Regulation 2000.

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **12 months** of the date of this deferred commencement consent, failing which this deferred commencement consent **will lapse** pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C and 2 of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Green, and carried.)

**The Development Assessment Sub-Committee recommends the following:**

**ITEM 9.15**

**DEVELOPMENT APPLICATION: 18 COLLEGE STREET DARLINGHURST  
(D/2015/283)**

It is resolved that:

- (A) pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, Council grant a variation to the Floor Space Ratio development standard; and
- (B) consent be granted to Development Application No. D/2015/283, subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Kok, and carried.)

**The Development Assessment Sub-Committee recommends the following:**

**ITEM 9.16**

**DEVELOPMENT APPLICATION: 246-248 CHALMERS STREET REDFERN  
(D/2015/494)**

It is resolved that consent be granted to Development Application No. D/2015/494, subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Scott, and carried unanimously.)

**The Development Assessment Sub-Committee recommends the following:**

**ITEM 9.17**

**DEVELOPMENT APPLICATION: 42 ADA PLACE ULTIMO (D/2015/978)**

It is resolved that consent be granted to Development Application No. D/2015/978, subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Forster, seconded by Councillor Kok, and carried.)