

**ITEM 9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE -
15 MARCH 2016****ITEM 9.1****DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 9.2 on the agenda as she is a member of GoGet, a car share provider, and there are two GoGet vehicles located on her street.

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.

ITEM 9.2**CAR SHARING POLICY REVIEW (S116884)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 21 March 2016.

Officer's Recommendation

The officer's recommendation to the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) was as follows –

It is resolved that Council approve the Draft Car Sharing Policy 2016, as shown at Attachment A to the subject report, for public exhibition for a period of 60 days.

Officer's Report

The officer's report on this matter can be found at Item 2 of the agenda paper for the meeting of the Planning and Development Committee on 15 March 2016 - Volume 1.

Speakers

Mr Knowles Tivendale and Mr Will Davies addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.2.

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

ITEM 9.3

**MILLERS POINT CONSERVATION AREA - AMENDMENT TO PLANNING CONTROLS
- REVISION OF PLANNING PROPOSAL (S122551)**

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment following receipt of the Gateway Determination.

Speakers

Ms Sandra Rowell 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 the Chair (the Lord Mayor), and carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Doughty, Green, Kok, Mant, Scott and Vitoulkas

Noes (1) Councillor Forster.)

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

ITEM 9.4

POST EXHIBITION - HERITAGE FLOOR SPACE AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 (X001004)

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012 and the Draft Alternative Heritage Floor Space Allocation Scheme, as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012, as shown at Attachment B to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council adopt the Alternative Heritage Floor Space Allocation Scheme, as shown at Attachment C to the subject report, to guide the preparation of planning agreements in respect of heritage floor space allocation; and
- (D) authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012 to correct drafting errors prior to finalisation of the local environmental plan.

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

ITEM 9.5

REPORT OF THE OPERATIONS OF THE SECTION 82A AND SECTION 96AB REVIEW PANEL - 2015 (S111724)

It is resolved that the subject report be received and noted.

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

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

ITEM 9.6

DEVELOPMENT APPLICATION: 45 COOPER STREET SURRY HILLS (D/2015/1594)

It is resolved that consent be refused for Development Application No. D/2015/1594 for the following reasons:

(1) Stage 1 DA considerations

A stage 1 DA (under Clause 7.20 of Sydney Local Environmental Plan 2012 (SLEP 2012)) is required for this application and has not been submitted. The requested waiver of this requirement is not supported, as the proposal raises fundamental envelope issues that have not been resolved which result in significant adverse amenity impacts.

(2) Contravention of Development Standard – FSR

- (a) The proposed variation to the Development Standard for FSR under Clause 4.6 of the SLEP 2012 is not supported. This is because the Standard is considered to be reasonable and necessary and the proposal will have adverse amenity impacts to surrounding buildings, including loss of cross ventilation, sunlight, daylight access and outlook.
- (b) The proposal is contrary to the objectives contained in Clause 4.4 Floor space ratio of SLEP 2012.

(3) Amenity Impacts

- (a) The proposal will reduce daylight and solar access to living areas and internal areas of the adjoining units at 47-53 Cooper Street, 32-40 Holt Street and 42-44 Holt Street Surry Hills; this does not meet 3B-2 of the Apartment Design Guide. The overbearing structure would remove district outlook to their windows and side balconies.
- (b) The proposal represents an excessive level of bulk for the site and would have an unreasonable visual impact.
- (c) The proposal reduces privacy to the neighbouring property at 47-53 Cooper Street to an unreasonable level.
- (d) The proposal fails to satisfy amenity requirements of SEPP 65 and the Sydney Development Control Plan 2012 (SDCP 2012), as it provides inadequate common open space and insufficient deep soil planting.
- (e) The proposed basement level of the development requires the removal of a significant street tree (shown in photomontage). This will reduce visual amenity to the streetscape.

(4) State Environmental Planning Policy 65: Design Quality of Residential Apartment Development

The proposal does not perform acceptably in relation to the design quality principles of SEPP 65. In particular, the proposal will have unreasonable adverse impacts upon the adjoining property at 47-53 Cooper Street because the proposal does not allow for adequate building separation. Also, the proposal does not include a reasonable level of communal open space with adequate deep soil areas or landscaping.

(5) Character of the area

The proposed built form is incompatible with the existing and desired future character of the area. As such, it is inconsistent with the aims of the SLEP 2012 and SDCP 2012.

(6) Heritage

- (a) The proposal fails to provide a sympathetic infill building that meets design requirements.
- (b) The applicant has not demonstrated that the proposal will not compromise the heritage significance of the area and, as such, does not meet the aims and objectives of Section 3.9 of the SDCP 2012.
- (c) The proposal fails to justify the demolition of a building / cart way that is over 130 years old at this time.

(7) The public interest and the Objects of the Act

This application considers a non-compliant proposal that has significant adverse amenity impacts and will set an undesirable precedent for adjoining sites and is not in the public interest.

Speakers

Mr Tim Noonan, Mr Alan Himsworth, Ms Corinne Schwartz and Ms Melissa Lockie addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.6.

(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.)

ITEM 9.7**DEVELOPMENT APPLICATION: 64-66 COOK ROAD CENTENNIAL PARK (D/2015/860)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 21 March 2016.

Officer's Recommendation

The officer's recommendation to the Planning and Development Committee (Major Development Assessment Sub-Committee) was as follows –

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/860, subject to the conditions as detailed in the subject report.

Officer's Report

The officer's report on this matter can be found at Item 7 of the agenda paper for the meeting of the Planning and Development Committee on 15 March 2016 - Volume 3.

Speakers

Mr Frank Pazmino, Mr Michael Attaian and Mr Anthony Betros addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.7.

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

ITEM 9.8

**DEVELOPMENT APPLICATION: UNITS 16-20 - 1A COULSON STREET
ERSKINEVILLE (D/2015/562)**

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/562 after the Voluntary Planning Agreement (VPA) has been publicly exhibited for 28 days and any submissions considered;
- (B) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below and Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report; and
- (C) if the CEO determines the application, then notice be given to the NSW Office of Water of the determination in accordance with Section 91A(6) of the Environmental Planning and Assessment Act 1979.

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

- The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination:
 - (1) PLANNING AGREEMENT**
 - (a) That a Voluntary Planning Agreement in accordance with the public benefit offer made by B1 Management Group Pty Ltd and dated 22 December 2015 be executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement at the time of execution; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the Title of the land in accordance with the Voluntary Planning Agreement.
- 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 by within **24 months** of the date of this 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.
- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report.

Speakers

Mr Adrian Villella 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 Kok, seconded by Councillor Mant, and carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Forster, Green, Kok, Mant and Vithoukas

Noes (2) Councillors Doutney and Scott.)

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

ITEM 9.9

DEVELOPMENT APPLICATION: 134-136 BOTANY ROAD ALEXANDRIA (D/2015/1129)

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1129, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) PLANNING AGREEMENT

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

- (a) The Voluntary Planning Agreement, prepared by Council and placed on public exhibition on 10 February 2016, shall be executed and submitted to Council;
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.
- (B) 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 24 months of the date of this 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;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have 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 and 1C and Schedule 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 Councillor Kok, seconded by Councillor Mant, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.10

DEVELOPMENT APPLICATION: 93 ST JOHNS ROAD AND 3 AND 5 REUSS STREET GLEBE (D/2015/1246)

It is resolved that consent be granted to Development Application No. D/2015/1246, subject to the conditions as detailed in the subject report.

Speakers

Mr David Grant and Mr Theodore Onisforou addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.10.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.11

DEVELOPMENT APPLICATION: 292 KING STREET NEWTOWN (D/2015/1247)

It is resolved that consent be refused for Development Application No. D/2015/1247 for the following reasons:

(1) Excessive height

The proposal exceeds the maximum permitted height of buildings development standard and is contrary to the objectives contained in clause 4.3 height of buildings of the Sydney Local Environmental Plan 2012 (the LEP). It exceeds the height in storeys and street frontage height controls contained at provisions 4.2.1.1(2) and 4.2.1.1(4) of the Sydney Development Control Plan 2012 (the DCP). It is contrary to design quality principles 1: context and neighbourhood character; and principle 2: built form and scale, contained in the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65).

(2) Contravention of the height of buildings development standard

Contrary to clause 4.6 of the LEP, a written request seeking an exception to the height of buildings development standard has not been submitted.

(3) Poor amenity

The proposed fifth storey addition would result in the deletion of the previously approved rooftop communal open space and does not satisfy design criteria (1) and (2) of objective 3D-1 of the Apartment Design Guide (the ADG). None of the previously approved apartments has private open space and the private open space of the proposed fifth storey apartment does not satisfy the minimum area requirements recommended at design criteria (1) of objective 4E-1 of the ADG. The proposed fifth storey apartment does not achieve the minimum floor to ceiling height of 2.7m recommended at design criteria (1) of objective 4C-1 of the ADG. The proposed fifth storey apartment does not provide the minimum amount of storage space in addition to kitchen, bathroom and bedroom storage recommended at design criteria (1) of objective 4G-1 of the ADG. The proposal is inconsistent with principle 6: amenity, of SEPP 65 and is inconsistent with the aims of the plan stated at clause 1.2(2)(h) of the LEP.

(4) No landscaping, reduced opportunities for social interaction

The proposed fifth storey addition would result in the deletion of the previously approved rooftop communal open space and does not satisfy design criteria (1) and (2) of objective 3D-1 of the ADG. The proposal would reduce opportunities for social interaction among residents and is inconsistent with principle 5: landscape and principle 8: housing diversity and social interaction, of SEPP 65.

(5) Excessive density and overdevelopment

As the proposed fifth storey addition would provide a poor level of amenity for its future intended occupants, it is considered to be a density that is not appropriate to the site and its context. It is an overdevelopment of the site and is inconsistent with principle 3: density, of SEPP 65.

(6) Adverse heritage impacts and adverse impacts upon the character of the area

The excessive height of the development is inconsistent with the predominant scale of the adjoining heritage item and surrounding contributory buildings. It would further obscure views to the clock tower and undermine the landmark qualities of the clock tower and the ornate parapets of the former post office building. The proposal is contrary to LEP objective 5.10(1)(b) to conserve the significance of heritage items and heritage conservation areas, including settings and views, and to the aims of the plan stated at clause 1.2(2)(k) of the LEP. The proposal is contrary to DCP heritage objectives 3.9(a) and (b), to DCP heritage provisions 3.9.5(1)(f), 3.9.5(4)(d), 3.9.6(1), and 3.9.14, and to the DCP locality statement and principles at provision 2.3.3(a), (b) and (e).

(7) Failure to exhibit design excellence

Due to the proposal's excessive mass, bulk, scale and density, incompatibility with the character of the area, adverse heritage impacts, poor amenity, and poor interface with the public domain, the proposal fails to exhibit design excellence and is contrary to the objectives of clause 6.21 and the aims of the plan stated at clause 1.2(2)(j) of the LEP.

(8) Not in the public interest

As a matter for consideration pursuant to clause 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest and is inconsistent with the objects of the Act to encourage proper development for the purpose of promoting a better environment.

Speakers

Mr Tony Moody addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

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

Note – after voting on Item 9.11, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That Item 9.11 be recommitted to enable Mr Tony Moody to address the meeting.

Carried unanimously.

It was then moved by Councillor Doutney, seconded by Councillor Mant –

It is resolved that consent be refused for Development Application No. D/2015/1247 for the following reasons:

(1) Excessive height

The proposal exceeds the maximum permitted height of buildings development standard and is contrary to the objectives contained in clause 4.3 height of buildings of the Sydney Local Environmental Plan 2012 (the LEP). It exceeds the height in storeys and street frontage height controls contained at provisions 4.2.1.1(2) and 4.2.1.1(4) of the Sydney Development Control Plan 2012 (the DCP). It is contrary to design quality principles 1: context and neighbourhood character; and principle 2: built form and scale, contained in the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65).

(2) Contravention of the height of buildings development standard

Contrary to clause 4.6 of the LEP, a written request seeking an exception to the height of buildings development standard has not been submitted.

(3) Poor amenity

The proposed fifth storey addition would result in the deletion of the previously approved rooftop communal open space and does not satisfy design criteria (1) and (2) of objective 3D-1 of the Apartment Design Guide (the ADG). None of the previously approved apartments has private open space and the private open space of the proposed fifth storey apartment does not satisfy the minimum area requirements recommended at design criteria (1) of objective 4E-1 of the ADG. The proposed fifth storey apartment does not achieve the minimum floor to ceiling height of 2.7m recommended at design criteria (1) of objective 4C-1 of the ADG. The proposed fifth storey apartment does not provide the minimum amount of storage space in addition to kitchen, bathroom and bedroom storage recommended at design criteria (1) of objective 4G-1 of the ADG. The proposal is inconsistent with principle 6: amenity, of SEPP 65 and is inconsistent with the aims of the plan stated at clause 1.2(2)(h) of the LEP.

(4) No landscaping, reduced opportunities for social interaction

The proposed fifth storey addition would result in the deletion of the previously approved rooftop communal open space and does not satisfy design criteria (1) and (2) of objective 3D-1 of the ADG. The proposal would reduce opportunities for social interaction among residents and is inconsistent with principle 5: landscape and principle 8: housing diversity and social interaction, of SEPP 65.

(5) Excessive density and overdevelopment

As the proposed fifth storey addition would provide a poor level of amenity for its future intended occupants, it is considered to be a density that is not appropriate to the site and its context. It is an overdevelopment of the site and is inconsistent with principle 3: density, of SEPP 65.

(6) Adverse heritage impacts and adverse impacts upon the character of the area

The excessive height of the development is inconsistent with the predominant scale of the adjoining heritage item and surrounding contributory buildings. It would further obscure views to the clock tower and undermine the landmark qualities of the clock tower and the ornate parapets of the former post office building. The proposal is contrary to LEP objective 5.10(1)(b) to conserve the significance of heritage items and heritage conservation areas, including settings and views, and to the aims of the plan stated at clause 1.2(2)(k) of the LEP. The proposal is contrary to DCP heritage objectives 3.9(a) and (b), to DCP heritage provisions 3.9.5(1)(f), 3.9.5(4)(d), 3.9.6(1), and 3.9.14, and to the DCP locality statement and principles at provision 2.3.3(a), (b) and (e).

(7) Failure to exhibit design excellence

Due to the proposal's excessive mass, bulk, scale and density, incompatibility with the character of the area, adverse heritage impacts, poor amenity, and poor interface with the public domain, the proposal fails to exhibit design excellence and is contrary to the objectives of clause 6.21 and the aims of the plan stated at clause 1.2(2)(j) of the LEP.

(8) Not in the public interest

As a matter for consideration pursuant to clause 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest and is inconsistent with the objects of the Act to encourage proper development for the purpose of promoting a better environment.

Carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.12

DEVELOPMENT APPLICATION: 19 REGENT STREET PADDINGTON (D/2015/1870)

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 “Height of Buildings” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012;
- (B) Council support the variation sought to Clause 4.4 “Floor Space Ratio” in accordance with Clause 4.6 “Exceptions to Development Standards” in the Sydney Local Environmental Plan 2012; and
- (C) consent be granted to Development Application No. D/2015/1870, 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 Councillor Scott, and carried unanimously - as part of an in globo motion.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.13

DEVELOPMENT APPLICATION: 6 VICTORIA STREET BEACONSFIELD (D/2015/1132)

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1132, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) PLANNING AGREEMENT

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

- (a) The Voluntary Planning Agreement, prepared by Council and placed on public exhibition on 10 February 2016, shall be executed and submitted to Council;
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.
- (B) 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 24 months of the date of this 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;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent (Once the Consent is in Operation) 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 Councillor Mant, seconded by Councillor Scott, and carried unanimously - as part of an in globo motion.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.14

DEVELOPMENT APPLICATION: 2-14 KINGS CROSS ROAD POTTS POINT - THE LARMONT HOTEL (D/2015/1844)

It is resolved that

- (A) Council support the variation sought to Clause 4.3 “Height of Buildings” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012;
- (B) Council support the variation sought to Clause 4.4 “Floor Space Ratio” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012;
- (C) Council agree to waive the requirements for a competitive design process and the preparation of a site specific development control plan in accordance with the provisions of sections 6.21 (6) and 7.20 (3) of the Sydney Local Environmental Plan 2012; and
- (D) consent be granted to Development Application No. D/2015/1844, 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 Councillor Scott, and carried unanimously - as part of an in globo motion.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.15

DEVELOPMENT APPLICATION: 9 NORTHCOTE ROAD GLEBE (D/2015/1853)

It is resolved that:

- (A) the variation sought to Clause 4.3 Building Height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported; and
- (B) consent be granted to Development Application No. D/2015/1853, 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 Councillor Scott, and carried unanimously - as part of an in globo motion.)