

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

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 9.2 on the agenda, in that she owns a business on George Street, opposite Barrack Street.

Councillor John Mant disclosed a less than significant, non-pecuniary interest in Item 9.16 on the agenda, in that he has a grand-daughter who attends Sydney Girls High School.

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

BARRACK STREET SYDNEY – PERMANENT ROAD CLOSURE (S113048.049)

It is resolved that Council approve the change of traffic conditions at Barrack Street, Sydney, between York and George Streets, to prevent all vehicles other than emergency vehicles or waste collection vehicles from entering.

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

ITEM 9.3

**PUBLIC EXHIBITION - HOARDINGS AND SCAFFOLDING POLICY AND GUIDELINES
- REVIEW (S125179)**

It is resolved that:

- (A) the draft Hoardings and Scaffolding Local Approvals Policy, as shown at Attachment A to the subject report, and the draft (amended) Guidelines for Hoardings and Scaffolding, as shown at Attachment B to the subject report, be approved for public exhibition for a period of not less than 42 days, subject to the amendment of the draft (amended) Guidelines for Hoardings and Scaffolding such that the last paragraph of clause 2.15 – Installation of temporary structures and impacts on building use / operation – reads as follows:

The proponent and/or building owner should therefore communicate with building occupants to advise of proposed works and address any issues. A minimum of 7 days notice shall be provided prior to the installation occurring.

- (B) key industry groups and relevant government agencies be notified of the draft Hoardings and Scaffolding Local Approvals Policy and the draft (amended) Guidelines for Hoardings and Scaffolding and be invited to review and make submissions on the draft documents.

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

ITEM 9.4

WALKING STRATEGY AND ACTION PLAN - IMPLEMENTATION UPDATE (S121868)

It is resolved that Council note progress in implementing the Walking Strategy and Action Plan 2015-2030.

(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

CYCLE STRATEGY IMPLEMENTATION UPDATE (S053518)

It is resolved that Council note progress in implementing the Cycle Strategy and Action Plan 2007-2017.

(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 unanimously.)

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

ITEM 9.6

15 MINUTE FREE PARKING (S111619)

It is resolved that:

- (A) fifteen minute free parking tickets be maintained for a further period of two years in the existing trial locations shown at Attachment A to the subject report, subject to the extension of the trial locations to include those sections of Campbell Street and Bourke Street, Darlinghurst, as recommended in paragraphs 15 and 16 of the subject report;
- (B) Council note the difficulty of efficiently enforcing use of 15 minute free parking tickets under current regulations, and request that the Chief Executive Officer initiate discussions with the NSW Government and other local government authorities with a view to amending the NSW Road Rules;
- (C) Council note an investigation has been undertaken into the possible expansion of 15 minute free parking to other streets in the City of Sydney Local Government Area;
- (D) a further report on expansion of 15 minute free parking to other streets in the City of Sydney Local Government Area (including streets identified in this report) be prepared for Council following amendment of the NSW Road Rules to address enforcement issues associated with 15 minute free parking tickets; and
- (E) it be noted that Councillor Forster is to write to the relevant State Government Minister seeking amendment to the NSW Road Rules in order to oblige the taking of a ticket where instructions on or with the sign or ticket machine require it.

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

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

That the officer's recommendation be adopted.

Variation. At the request of Councillor Forster, and by consent, the motion was varied by:

- the addition of the following words at the end of clause (A) –
“subject to the extension of the trial locations to include those sections of Campbell Street and Bourke Street, Darlinghurst, as recommended in paragraphs 15 and 16 of the subject report”; and
- the addition of a new clause (E) as follows:
(E) it be noted that Councillor Forster is to write to the relevant State Government Minister seeking amendment to the NSW Road Rules in order to oblige the taking of a ticket where instructions on or with the sign or ticket machine require it.

The motion, as varied by consent, was carried.)

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

ITEM 9.7

FIRE SAFETY REPORTS (S105001)

It is resolved that Council:

- (A) note the contents of the Fire Safety Report 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 L to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 168-174 Euston Road, Alexandria, 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 to address the identified fire safety deficiencies in 157-161 Redfern Street, Redfern, 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 to address the identified fire safety deficiencies in 39-61 Gibbons Street, Redfern, 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 to address the identified fire safety deficiencies in 2-6 City Road, 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 to address the identified fire safety deficiencies in 1-19 Allen Street, Pyrmont, as detailed in Attachment F;
- (H) 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 to address the identified fire safety deficiencies in 352 Sussex Street, Sydney, 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 to address the identified fire safety deficiencies in 33-35 Darlinghurst Road, Potts Point, 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 to address the identified fire safety deficiencies in 189-197 Kent Street, Sydney, as detailed in attachment I;
- (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 to address the identified fire safety deficiencies in 507 Wattle Street, Ultimo, as detailed in attachment J;

- (L) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 56-60 Foster Street, Surry Hills, as detailed in Attachment K; and
- (M) 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 to address the identified fire safety deficiencies in 177-181 Clarence Street, Sydney, as detailed in Attachment L.

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

ITEM 9.8

**STAGE 2 DEVELOPMENT APPLICATION: 1 ELGER STREET, 83 BAY STREET
GLEBE - GLEBE AFFORDABLE HOUSING PROJECT (D/2015/1794)**

It is resolved that consent be granted to Development Application No. D/2015/1794, subject to the conditions as detailed in the subject report.

Speakers

Ms Michele Fraser, Mr Denis Doherty and Ms Emily Bullock 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 Forster, and carried unanimously.)

ITEM 9.9**DEVELOPMENT APPLICATION: 36-38 WILSON STREET NEWTOWN (D/2015/1606)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 June 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) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1606, subject to the following:

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) DESIGN MODIFICATIONS

- (a) The top floor must be deleted and the communal laundry and clothes drying facilities are to be relocated to the fourth storey. Details of any roof top plant (ie. air-conditioning units) are to be shown on the amended plans.
- (b) The balconies on the northern elevation must be deleted.
- (c) The roof top landscaping must be deleted.
- (d) Privacy screens must be installed on the openings serving rooms 12, 13, 22, 23, 31, and 32 to prevent direct views into the existing openings within 30-34 Wilson Street.
- (e) All boarding rooms with doors openings onto a balcony or courtyard must include a bank of operable louvres or windows to allow ventilation whilst the doors are closed.
- (f) All boarding rooms must have kitchen facilities with a surface area of at least 1.3sqm (including stove tops and sinks).
- (g) An amended materials and finishes schedule is required detailing the use of rendered or painted brickwork in lieu of the proposed replica timber tiles.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, 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;
- (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.

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C and Schedules 2 and 3 of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Officer's Report

The officer's report on this matter can be found at Item 9 of the agenda paper for the meeting of the Planning and Development Committee on 21 June 2016 - Volume 4.

Speakers

Mr Gary Cox, Ms Janet Clayton, Ms Cheryl Flynn, Mr David Bosler and Mr Tony Legge addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

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

ITEM 9.10

DEVELOPMENT APPLICATION: 126-196 DOWLING STREET WOOLLOOMOOLOO (D/2016/98)

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/2016/98, subject to the conditions as detailed in the subject report.

Speakers

Mr Andrew Woodhouse addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.10.

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

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

ITEM 9.11

DEVELOPMENT APPLICATION: 100 HARRIS STREET PYRMONT (D/2016/70)

It is resolved that:

- (A) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, Council waive the requirements for the preparation of a site specific development control plan, as it is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 6.21 (5) of Sydney Local Environmental Plan 2012, Council waive the requirements for a competitive design process, as it is considered to be unreasonable and unnecessary in this instance; and
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2016/70, 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 Mant, and carried unanimously.)

ITEM 9.12**DEVELOPMENT APPLICATION: 87 PARRAMATTA ROAD CAMPERDOWN (D/2015/1888)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 June 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) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1888, subject to the following:

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) DESIGN MODIFICATIONS

The applicant is to submit amended plans depicting the following modifications:

- (a) The Church Street elevation must be amended to consist of 3 vertical modules, with each module consisting of the same material.
- (b) The shopfront of the tenancy adjacent Church Street must be amended to incorporate new solid masonry elements that are designed so as to align with the vertical modules that define the upper levels of the elevation.
- (c) The horizontal windows on the Church Street elevation must be amended to match the vertically proportioned windows on the same elevation.
- (d) The residential entry lobbies must consist of clear glazing.
- (e) The decorative fixed aluminium screen must be deleted.
- (f) The artwork on the western elevation must be deleted.

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, 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;
- (D) 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
- (E) 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.

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C and Schedule 2 of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Officer's Report

The officer's report on this matter can be found at Item 12 of the agenda paper for the meeting of the Planning and Development Committee on 21 June 2016 - Volume 5.

Speakers

Mr Jonathon Ward, Ms Juliet Bennett and Mr Albert Becerra addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.12.

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

ITEM 9.13

DEVELOPMENT APPLICATION: 73-75 PARRAMATTA ROAD CAMPERDOWN (D/2015/1749)

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/2015/1749, subject to the conditions as detailed in the subject report.

Speakers

Mr Dom Begley addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.13.

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

ITEM 9.14

DEVELOPMENT APPLICATION: 59-63 BOTANY ROAD WATERLOO (D/2015/1915)

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 Building Height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1915, 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 Green, and carried unanimously.)

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

ITEM 9.15

DEVELOPMENT APPLICATION: 202-210 ELIZABETH STREET SURRY HILLS (D/2015/1693)

It is resolved that Development Application No. D/2015/1693 be refused for the following reasons:

- (1) The proposed development has an FSR of 3.7:1 and contravenes the maximum Floor Space Ratio (FSR) control of 3.6:1, permitted under Clause 29(1)(c)(ii) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP (Affordable Rental Housing) 2009). The proposal does not provide the minimum required number of motorcycle parking spaces under Clause 30(1)(h) of the SEPP (Affordable Rental Housing) 2009. A written justification has not been submitted seeking exception to the development standards for FSR and motorcycle parking and cannot be supported in accordance with Clauses 4.6(3) and 4.6(4) of the Sydney Local Environmental Plan 2012 (the Sydney LEP 2012). There is no reasonable environmental justification to contravene the FSR and motorcycle parking controls, as the proposal is for a new building.
- (2) The proposed development is excessive in bulk and scale, and is inconsistent with the proportions and character of immediately adjoining buildings, particularly the adjoining heritage item. The proposal exceeds the maximum storeys control, does not complement the character of the neighbourhood, does not achieve the provisions for design excellence and is an over development of the site. The proposal does not satisfy the provisions under Clause 30A of the SEPP (Affordable Rental Housing) 2009, Clauses 5.10 and 6.1 of the Sydney LEP 2012, and Sections 3.9.5(1) and (3), and 4.2.1.1 of the Sydney Development Control Plan 2012 (the Sydney DCP 2012).
- (3) The proposed development does not provide adequate internal amenity, particularly insufficient floor to ceiling heights and communal facilities. The proposal will not support flexibility of uses for the ground floor retail tenancy or provide adequate internal amenity for future occupants of the boarding house. The proposal does not satisfy the provisions under Sections 4.2.1.2, 4.4.1.2, 4.4.1.3, 4.4.1.4 and 4.4.15 of the Sydney DCP 2012.
- (4) A BASIX Certificate has not been submitted in accordance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The proposal is categorised as a development that requires a BASIX certificate and no exceptions are permitted under Clause 10 of the SEPP.

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

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

ITEM 9.16

DEVELOPMENT APPLICATION: 556-560 CLEVELAND STREET MOORE PARK - SYDNEY BOYS AND GIRLS HIGH SCHOOLS (D/2016/413)

It is resolved that consent be granted to Development Application No. D/2016/413, 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 Forster, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.17

DEVELOPMENT APPLICATION: 32-44 CHURCH STREET CAMPERDOWN (D/2015/1658)

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; and
- (B) consent be granted to Development Application No. D/2015/1658, subject to the conditions as detailed in the subject report.

Speakers

Ms Janet Porter addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.17.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.18

DEVELOPMENT APPLICATION: 46-48 RILEY STREET WOOLLOOMOOLOO - CITY FORD BUILDING (D/2016/248)

It is resolved that:

- (A) 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; and
- (B) consent be granted to Development Application No. D/2016/248, 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 Forster, and carried unanimously.)