

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

Councillor Philip Thalys disclosed a significant, non-pecuniary interest in Item 9.7 on the agenda in that he knew one of the objectors to the development application the subject of that item. Councillor Thalys stated that he would not be present for discussion or voting on Item 9.7.

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

**POST EXHIBITION - 12-40 ROSEBERY AVENUE AND 108 DALMENY AVENUE
ROSEBERY – PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY
DEVELOPMENT CONTROL PLAN 2012 (S114564)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition and public authority consultation of Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery and draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, as shown at Attachment E to the subject report;
- (B) Council approve Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery, as shown at Attachment A 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 approve draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to amend the planning proposal and development control plan to correct any minor errors or omissions.

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

ITEM 9.3**POST EXHIBITION - OUTDOOR DINING AND DISPLAYS OF GOODS ON THE FOOTWAY (S060627-02)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 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:

- (A) Council note the matters raised during the public exhibition, shown at Attachment A to the subject report;
- (B) Council adopt the Outdoor Dining Policy and Outdoor Dining Guidelines, as amended and shown at Attachments B and C, respectively, to the subject report;
- (C) Council note that, if adopted, the Outdoor Dining Policy and the Outdoor Dining Guidelines will rescind and replace Council's Outdoor Café Policy 2001 in the area to which it applies;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to correct drafting errors in the Outdoor Dining Policy and Outdoor Dining Guidelines prior to finalisation;
- (E) Council endorse the Outdoor Dining Action Plan, shown at Attachment D to the subject report, and request that the Chief Executive Officer report back to Council on the implementation of the Outdoor Dining Action Plan;
- (F) Council amend the register of Delegations from the Council to the Chief Executive Officer to align the approvals delegation and the owner's consent delegation with the maximum seven year approval period in the Outdoor Dining Policy at Attachment B;
- (G) Council, noting the matters raised during public exhibition, endorse the Local Approvals Policy for the Display of Goods, as amended and shown at Attachment E to the subject report, and:
 - (i) seek concurrence from the Office of Local Government for the exemptions set out in Part 1 of the draft Local Approvals Policy in accordance with the Local Government Act 1993; and
 - (ii) seek concurrence from Roads and Maritime Services to issue a general approval under the Roads Act 1993 for the use of the footway;
- (H) Council approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Public Footway, shown at Attachment F to the subject report:
 - (i) for submission to the Greater Sydney Commission with a request for a Gateway Determination; and

- (ii) for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (I) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission for all of 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 – Exempt Development – Displays of Goods on the Public Footway;
- (J) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal: Sydney Local Environmental Plan 2012 – Exempt Development – Displays of Goods on the Public Footway following receipt of the Gateway Determination; and
- (K) Council note that the Local Approvals Policy for the Display of Goods will be reported back to Council for adoption on completion of the steps outlined in clause (F) and following exhibition of the planning proposal referred to in clause (G).

Officer's Report

The officer's report on this matter can be found at Item 3 of the agenda paper for the meeting of the Planning and Development Committee on 10 October 2016 - Volume 2.

Speakers

Ms Nicole Holmes, Ms Susan Thompson, Ms Chris Newton and Ms Samantha French addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

Extensions of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

Moved by the Chair (the Lord Mayor), seconded by Councillor Phelps -

That Ms Holmes be granted an extension of time to speak on this matter.

Carried.

Moved by Councillor Thalys, seconded by Councillor Scully –

That Ms Thompson be granted an extension of time to speak on this matter.

Carried.

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

That Ms French be granted an extension of time to speak on this matter.

Carried.

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

ITEM 9.4

PUBLIC EXHIBITION - PLANNING PROPOSAL – SERVICED APARTMENTS-AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - SYDNEY LOCAL ENVIRONMENTAL PLAN 2005 - SYDNEY LOCAL ENVIRONMENTAL PLAN-GREEN SQUARE TOWN CENTRE-2013 AND SYDNEY LOCAL ENVIRONMENTAL PLAN-GREEN SQUARE TOWN CENTRE STAGE 2-2013 (X006784)

It is resolved that:

- (A) Council approve the Planning Proposal – Serviced Apartments, 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 the Planning Proposal – Serviced Apartments for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister or the Greater Sydney Commission to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Serviced Apartments following receipt of the Gateway Determination and prior to public exhibition.

Speakers

Mr Walter Gordon 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 Thalys, seconded by Councillor Scully, and carried unanimously.)

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

ITEM 9.5

PUBLIC EXHIBITION – 2-32 JUNCTION STREET, FOREST LODGE – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (X000094)

RECOMMENDATION

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan – 2-32 Junction Street, Forest Lodge, 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 – 2-32 Junction Street, Forest Lodge, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve Draft Sydney Development Control Plan 2012 – 2-32 Junction Street, Forest Lodge Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition with the Planning Proposal;
- (D) 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 – 2-32 Junction Street, Forest Lodge; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Sydney Local Environmental Plan – 2-32 Junction Street, Forest Lodge and Draft Sydney Development Control Plan 2012: 2-32 Junction Street, Forest Lodge Amendment following receipt of the Gateway Determination.

Speakers

Mr Ben Craig addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.5.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Thalís, seconded by the Chair (the Lord Mayor), 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 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 T 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 252-254 Pitt Street, Sydney, 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 112 Campbell Street, Surry Hills, 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 368 Bourke Street, Surry Hills, 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 8 Norman Street, Darlinghurst, 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 81 Sussex Street, Sydney, 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 in 400-412 Elizabeth Street, Surry Hills, as detailed in Attachment G;
- (I) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 354-358 Bourke Street, Surry Hills, 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 29-37 Bellevue Street, Surry Hills, 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 in 220-234 Goulburn Street, Darlinghurst, as detailed in Attachment J;
- (L) 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 1-21 Bay Street, Glebe, as detailed in Attachment K;

- (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 in 26-34 Dunning Avenue, Rosebery, as detailed in Attachment L;
- (N) 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 16-22 Wentworth Avenue, Surry Hills, as detailed in Attachment M;
- (O) 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 470-474 Crown Street, Surry Hills, as detailed in Attachment N;
- (P) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 90 Hay Street, Haymarket, as detailed in Attachment O;
- (Q) 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 52-54 Devonshire Street, Surry Hills, as detailed in Attachment P;
- (R) 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 44-44B Darlinghurst Road, Potts Point, as detailed in Attachment Q;
- (S) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 730-742 George Street, Haymarket, as detailed in Attachment R;
- (T) 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 Sturt Street, Darlinghurst, as detailed in Attachment S; and
- (U) 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 Oxford Street, Darlinghurst, as detailed in Attachment T.

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

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

ITEM 9.7

DEVELOPMENT APPLICATION: 8-10 FITZROY PLACE SURRY HILLS (D/2016/512)

It is resolved that consent be refused to Development Application No. D/2016/512 for the following reasons:

(1) Demolition and Heritage Impacts

The demolition of the existing buildings is not supported, as the proposed replacement building will compromise the heritage significance of the heritage conservation area. The proposal will result in a building of height and scale that does not respect and complement neighbouring heritage items and the character of the heritage conservation area. The proposal is therefore contrary to and fails to satisfy:

- (a) Clause 6.21 Design Excellence standards under the Sydney Local Environmental Plan 2012.
- (b) The heritage conservation objectives 5.10(1) (a) and (b) of the Sydney Local Environmental Plan 2012.
- (c) The provisions 3.9.6 and 3.9.8 (1)(b) of the Sydney Development Control Plan 2012.
- (d) Clause 2.11.3 (principles for development in Surry Hills North local character area) of Sydney Development Control Plan 2012.

(2) Height, bulk and scale

- (a) The exception sought to the Clause 4.3 building height development standard in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 is not supported, as the proposal fails to:
 - (i) Demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
 - (ii) Demonstrate there are sufficient environmental planning grounds to justify contravening the development standard.
 - (iii) Demonstrate that the proposed development is in the public interest because it is consistent with the objectives of the height development standard.
- (b) The proposal will result in a building of significantly greater height, bulk and scale than the surrounding properties that is inconsistent with the context and desired character for the area. The proposal is contrary to and fails to satisfy:
 - (i) Clause 4.3 of the Sydney Local Environmental Plan 2012.
 - (ii) Clause 6.21 Design Excellence standards under the Sydney Local Environmental Plan 2012.

- (iii) Provision 4.2.1.1(1) of the Sydney Development Control Plan 2012, which specifies a maximum height of buildings of 4 storeys.

(3) Contravention of Development Standard – Floor Space Ratio

The proposal does not comply with the maximum Floor Space Ratio development standard for the site specified in Clause 4.4 of the Sydney Local Environmental Plan 2012. The proposal results in new development that does not reflect the desired character of the locality and results in significant adverse impacts on the amenity of the locality. The proposal is therefore contrary to and fails to satisfy:

- (a) Clause 4.4 of the Sydney Local Environmental Plan 2012, including the floor space ratio objectives and standards.

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

- (a) The proposed building's siting and design does not achieve desired levels of apartment amenity. The proposal fails to meet the design criteria specified in the Apartment Design Guide for natural ventilation, communal open space, private open space, deep soil zones, apartment size, ceiling heights, and visual privacy.
- (b) The proposed bulk and scale of the building will generate an unreasonable visual impact.
- (c) The insufficient provision of deep soil zones and natural cross ventilation of apartments does not address the principle of sustainability.
- (d) Insufficient information has been provided to adequately assess the overshadowing impacts on 5 Fitzroy Place and compliance with Provision 4.2.3.1(3) of the Sydney Development Control Plan 2012.
- (e) The non-compliant lift and stairwell will generate significant additional overshadowing of neighbouring properties.
- (f) The proposed height, building separation, and context will give rise to unreasonable levels of overlooking and loss of privacy.

(5) Public domain

The proposal does not positively address the street. The ground level interface with the public domain is dominated by garage doors, solid walls, service doors and full screen walls. In addition, the ground level adopts indentations in the facade rather than reinforcing the lane edge and property boundary, and providing direct lines of site. The proposal is therefore contrary to and fails to satisfy:

- (a) Clause 6.21(4)(b) and (d) Design Excellence standards under the Sydney Local Environmental Plan 2012.
- (b) The Objectives and Provisions of 3.2.2 of the Sydney Development Control Plan 2012.

- (c) Provision 3.11.11 of the Sydney Development Control Plan 2012, where vehicle access and egress is to be a single crossing with maximum width 3.6m.
- (d) Provision 3.13.1 of the Sydney Development Control Plan 2012 addressing crime prevention through environmental design.

(6) Public interest

The proposal is non-compliant with the height and floor space ratio development standards and key amenity planning controls. The site and proposal are not considered to present particular circumstances that make it unreasonable or unnecessary to comply with the development standards, and the proposal has not presented sufficient environmental planning grounds to justify contravening the development standards. Approval of the proposal would establish an undesirable precedent for adjoining sites and is not in the public interest.

Speakers

Mr Brent Alexander and Mr Ronan MacSweeney 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 Councillor Kok, seconded by Councillor Forster, and carried unanimously.)

ITEM 9.8**DEVELOPMENT APPLICATION: 256-262 MITCHELL ROAD ALEXANDRIA (D/2015/1286)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 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 consent be granted to Development Application No. D/2015/1286, 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 8 of the agenda paper for the meeting of the Planning and Development Committee on 10 October 2016 - Volume 4.

Speakers

Ms Jacinta Symes, Ms Julie Collins, Ms Rebecca Mar Young and Mr Aaron Sutherland addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9**DEVELOPMENT APPLICATION: 228 KING STREET NEWTOWN (D/2016/325)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 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 consent be granted to Development Application No. D/2016/325, 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 9 of the agenda paper for the meeting of the Planning and Development Committee on 10 October 2016 - Volume 5.

ITEM 9.10**DEVELOPMENT APPLICATION: 10 BRIDGE ROAD GLEBE (D/2015/1467)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 October 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 consent be granted to Development Application No. D/2015/1467, 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 10 of the agenda paper for the meeting of the Planning and Development Committee on 10 October 2016 - Volume 5.

Speakers

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

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

ITEM 9.11

DEVELOPMENT APPLICATION: 600 BOTANY ROAD ALEXANDRIA (D/2016/719)

It is recommended that Development Application No. D/2016/719 be refused for the following reasons:

- (1) The proposal is not characterised as 'shop-top housing' and, as such, is not permissible within the B7 Business Park Zone under Sydney Local Environmental Plan 2012.
- (2) Insufficient information has been provided to satisfactorily address the requirements of State Environmental Planning Policy No 55 – Remediation of Land and to demonstrate that the site is, or may be, made suitable for the proposed residential use.
- (3) The proposal is of an unacceptable bulk and scale and, as such, does not perform acceptably in relation to the design quality principles 1 (Context and Neighbourhood Character), 2 (Built Form and Scale), 3 (Density), and 9 (Aesthetics) of State Environmental Planning Policy 65: Design Quality of Residential Apartment Development or the Apartment Design Guide.
- (4) The proposal does not perform acceptably in relation to the design quality principle 6 (Amenity) of State Environmental Planning Policy 65: Design Quality of Residential Apartment Development in terms of natural cross-ventilation, solar access, apartment sizes and the provision of private open space.
- (5) The proposal is inconsistent with Clause 5.10 of Sydney Local Environmental Plan 2012 and Section 3.9.5 of Sydney Development Control Plan 2012, as it fails to respect and complement the heritage significance of the neighbouring heritage item or to provide an adequate area around the heritage item to allow for its interpretation.
- (6) The proposal fails to exhibit design excellence as it does not achieve a high standard of architectural design, materials and detailing appropriate to the site and surrounding context, and results in adverse impacts on heritage, streetscapes and amenity, and, as such, does not comply with Clause 6.21 of Sydney Local Environmental Plan 2012.
- (7) The proposal fails to demonstrate that the development is compatible with the flood hazard of the land, that it is not likely to significantly adversely affect flood behaviour and incorporates appropriate measures to manage risk to life from flooding. As such, it fails to comply with Clause 7.15 of Sydney Local Environmental Plan 2012.
- (8) The proposal exceeds the maximum building height under Clause 4.3 of Sydney Local Environmental Plan 2012 and height in storeys under Section 4.2.1.1 of Sydney Development Control Plan 2012, resulting in a built form and scale that does not respond to the desired future character of the area and detracts from the heritage significance of the neighbouring heritage item.

- (9) The proposal significantly exceeds the maximum floor space ratio under Clause 4.4 of Sydney Local Environmental Plan 2012, resulting in a development that exceeds the capacity of existing and planned infrastructure and built form and scale that does not respond to the desired future character of the area and detracts from the heritage significance of the neighbouring heritage item.
- (10) The proposal has not demonstrated that compliance with the height of buildings and floor space ratio development standards is unreasonable or unnecessary or that the proposal is in the public interest, and fails to achieve a better outcome as a result of applying flexibility and, as such, fails to satisfy Clause 4.6 of Sydney Local Environmental Plan 2012.
- (11) The proposal is inconsistent with Sections 4.2.1.1, 4.2.1.2 and 4.2.2 of Sydney Development Control Plan 2012, as it exceeds the 6 storey height control, and fails to provide sufficient floor to floor heights to ensure compliant floor to ceiling heights of 2.7m.
- (12) The proposal is inconsistent with Sections 3.2.2, 3.2.3 and 3.11.11 of Sydney Development Control Plan 2012, as it fails to respond appropriately to active frontages on Botany Road and Ralph Street or to contribute to the amenity and safety of the public domain, and exceeds the maximum width of a vehicle crossing over a footpath of 3.6m.
- (13) The proposal is inconsistent with Sections 3.11.3 and 3.11.9 of Sydney Development Control Plan 2012, as it fails to provide adequate bicycle parking facilities or to provide adequate accessible parking in accordance with the relevant Australian Standards.
- (14) The proposal is inconsistent with Sections 3.11.13 and 4.2.6 of Sydney Development Control Plan 2012, as it fails to provide adequate waste facilities or to accommodate on-site waste collection.
- (15) The proposal is inconsistent with Sections 4.2.3 and 4.2.5 of Sydney Development Control Plan 2012, as it fails to demonstrate adequate solar access to apartments and communal open space, or that appropriate measures have been taken to mitigate noise and air quality impacts from Botany Road, or to ensure acoustic privacy and natural ventilation to apartments can be maintained.
- (16) The proposal is an overdevelopment of the site and is not in the public interest.

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

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

ITEM 9.12

DEVELOPMENT APPLICATION: 13 BRODRICK STREET CAMPERDOWN (D/2016/371)

It is resolved that Development Application No. D/2016/371 be refused for the following reasons:

- (1) The proposal exceeds the maximum building height under Clause 4.3 of Sydney Local Environmental Plan 2012 and the height in storeys control under Section 4.2.1.1 of Sydney Development Control Plan 2012, resulting in an excessive built form and scale.
- (2) The proposal exceeds the maximum floor space ratio under Clause 4.4 of Sydney Local Environmental Plan 2012, resulting in an overdevelopment of the site, and an inappropriate scale and intensity of development.
- (3) The proposal has not demonstrated that compliance with the height and floor space ratio development standards is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the development standards. The proposal fails to achieve a better outcome by contravening the height and floor space ratio development standards and therefore fails to satisfy Clause 4.6 of Sydney Local Environmental Plan 2012.
- (4) The proposal fails to exhibit design excellence, as it does not achieve a high standard of architectural design, material and detailing appropriate to the site and surrounding context, nor does it result in good internal amenity and design and, as such, does not comply with Clause 6.21 of Sydney Local Environmental Plan 2012.
- (5) The proposal fails to demonstrate that at least 70% of apartments can achieve the minimum requirement for solar access and therefore does not comply with the requirements of the Apartment Design Guide or Section 4.2.3 of Sydney Development Control Plan 2012.
- (6) Insufficient information has been provided to satisfactorily address the requirements of State Environmental Planning Policy No 55 – Remediation of Land and to demonstrate that the site is or may be made suitable for the proposed residential use.
- (7) The proposal is an overdevelopment of the site and is not in the public interest, contrary to section 79C(e) of the Environmental Planning and Assessment Act 1979.

Speakers

Mr Garry Chapman addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.12.

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

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

ITEM 9.13

DEVELOPMENT APPLICATION: 18 O'RIORDAN STREET ALEXANDRIA (D/2015/1734)

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/2015/1734, 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) PLANNING AGREEMENT

- (a) That the Planning Agreement drafted in accordance with the public benefit offer made by 18 O'Riordan Street Pty Limited on 4 April 2016 and placed on public exhibition between 18 April 2016 and 17 May 2016 is to be executed and submitted to Council; and
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement; and
- (d) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The ground level floor to floor height is to be increased by at least 150mm to create a floor to floor height of 3900mm, to accommodate a floor to ceiling clearance of at least 3500mm, allowing service vehicles, mini-buses and coaches to enter the site. The proposed awning along the O'Riordan Street frontage is to be raised in the same manner. The 150mm height increase of the ground floor is to be transferred from the floor to floor height of the first floor. The height of the building is not to be increased. An amended set of drawings is to be submitted demonstrating compliance with this modification.

- (b) A loading dock is to be provided within the rear ground floor parking area. This loading dock is to be capable of accommodating semi-rigid vehicles for the delivery and pick up of all goods on site. This may require the loss of some car parking spaces. The number of accessible spaces and bicycle parking is not to be decreased due to the provision of a loading dock. An amended plan of the car park is to be submitted as per Condition (19) of Schedule 1A.
- (c) The parapet is to be increased to 1.2m from 0.6m. All plant and equipment is to be located below the upper edge of the parapet.

(3) UPDATED PLAN OF MANAGEMENT

The Plan of Management (POM) created by Baker Kavanagh Architects and submitted to Council with the initial development application lodgement on 30 November 2015 is to be submitted to Council and approved by the Area Planning Manager with the following amendments:

- (a) The number of car parking spaces to be provided is to be correctly reflected in the POM.
 - (b) Any amendments to the design and operation of the Hotel made under this consent are to be accurately reflected in the POM.
 - (c) An opening statement is to be included in the POM indicating that the premises will be operated and managed in accordance with the plan at all times.
- (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 Kok, seconded by Councillor Forster, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.14

DEVELOPMENT APPLICATION: 1-21 BAY STREET - 213 BROADWAY - 23-35A BAY STREET GLEBE - BROADWAY SHOPPING CENTRE (D/2016/582)

It is resolved that:

- (A) 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, be supported in this instance;
- (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/2016/582, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) SURRENDER OF CONSENT

Pursuant to Section 80A(1) (b) of the Environmental Planning and Assessment Act 1979 and Section 97 of the Environmental Planning and Assessment Regulation 2000, Development consent D/1998/10 (notated as DA 10/98 by Leichardt Municipal Council) is to be surrendered.

(2) AMENDED SIGNAGE STRATEGY

The signage strategy is to be amended to outline the following information regarding the design and location of signage:

- (a) The only spaces considered to be acceptable for future parapet level signs are 1 sign to the right of the Aldi sign on the Bay Street elevation of the Grose Street building, below the H&M sign on the Greek Street elevation of the Greek Street building and 1 space in the row of signs to the Grose Street elevation of the Grose Street building.
 - (i) The signs are to maintain an equidistant clearance from each neighbouring sign and the building corner;
 - (ii) After the use of these two spaces the maximum number of parapet level signs will have been reached; and
 - (iii) The row of signs to the Grose Street elevation of the Grose Street building can be individually shortened in length to accommodate the H & M sign. No more than 5 signs in 1 row are approved in this location.
- (b) All tenancy, building identification and car/bicycle parking signs are to be subject to the following standards:
 - (i) Illuminated signs are not to have a white background;

- (ii) Not contain moving or flashing lighting;
 - (iii) Any future proposed illuminated signs are to be internally illuminated and constructed so that all conduit or cabling supplying power to the sign is completely concealed from view within the awning or sign structures;
 - (iv) Not contain or display offensive material;
 - (v) Not contain additional advertising promoting products or services other than the approved ground floor use of the premises irrespective of whether that product or service is sold on the premises;
 - (vi) Banners on the Model and Moxham building are only to depict building identification information and must be consistent for all 5 banners;
 - (vii) All signs to the Model and Moxham building are to consider and reflect the traditional and historic characteristics of the building;
 - (viii) Display the English translation of any wording of another language; and
 - (ix) Not be relocated without the relevant consent having first be obtained.
- (c) Any supporting structure is to:
- (i) Be constructed from durable materials that will not stain or damage the supporting wall; and
 - (ii) Be identical to the supporting structure of any other approved projecting ground level sign on the building.
- (d) Any additional signs (subject to consent) in each signage zone are to be designed in accordance with the relevant planning controls and are not to result in additional visual clutter.
- (e) Elevation plans of each signage zone are to be created that include all of the facades of the three buildings that have signage.
- (f) Any amendments to the signage provision on the site will require amendments to this signage strategy where appropriate.
- (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 12 months from the issue of the Notice of Determination;
- (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, 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 Thalys, seconded by Councillor Forster, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.15

DEVELOPMENT APPLICATION: 363 GLEBE POINT ROAD GLEBE (D/2016/50)

It is resolved that:

- (A) the variation sought to the Height of Buildings development standard, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012, be supported in this instance; and
- (B) consent be granted to Development Application No. D/2016/50, subject to the conditions as detailed in the subject report.

Speakers

Ms Chris Newton addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.15.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.16

DEVELOPMENT APPLICATION: 71-79 MACQUARIE STREET SYDNEY (D/2016/715)

It is resolved that consent be granted to Development Application No. D/2016/715, subject to the conditions as detailed in the subject report.

Speakers

Ms Sonia Fenton addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.16.

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