

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

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

At a later stage of the meeting, prior to discussion on Item 9.2 on the agenda:

- Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 9.2 in that she is a member of GoGet CarShare; and
- Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 9.2 in that she is a member of GoGet CarShare.

**(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 – DRAFT CAR SHARING POLICY 2016 (S116884)

It is resolved that:

- (A) the draft Car Sharing Policy 2016, as shown at Attachment A to the subject report, be adopted; and
- (B) a revised car sharing permit fee be publicly advertised in accordance with the requirements of the Local Government Act 1993.

Speakers

Mr Greg Giraud, Ms Robyn Hall, Mr Andrew Milne and Mr Knowles Tivendale addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.2.

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

Ayes (7) The Lord Mayor, Councillors Kok, Miller, Scott, Scully, Thalís and Vithoukás

Noes (3) Councillors Chung, Forster and Phelps.

Note - Councillor Phelps indicated a wish to abstain from voting on this matter. Pursuant to the provisions of Clause 251(1) of the Local Government (General) Regulation 2005, Councillor Phelps is taken to have voted against the motion.)

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

ITEM 9.3

POST EXHIBITION: SYDNEY DEVELOPMENT CONTROL PLAN - SIGNS AND ADVERTISEMENTS 2015 (S126407)

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Draft Development Control Plan – Signs and Advertisements 2015, as shown at Attachment B to the subject report, and which are the subject of the report;
- (B) Council approve the Draft Development Control Plan – Signs and Advertisements 2015, as amended, in response to submissions made following public exhibition, shown at Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to make any minor changes to Draft Development Control Plan – Signs and Advertisements 2015 to correct drafting errors prior to finalisation of the development control plan; and
- (D) Council note the further investigation into the potential relocation of advertising signs from heritage buildings and heritage conservation areas to new signage sites and a coordinated approach to building lighting and signage to encourage diverse night time street life in the City centre.

Speakers

Ms Charmaine Moldrich, Mr Brian Tyquin, Mr Noel Cook, Mr Damien Rath, Ms Tess Phillips, Mr Mike Boyd and Mr Christian Slater 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 Thalís, seconded by Councillor Scully, and carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalís

Noes (4) Councillors Chung, Forster, Scott and Vithoukás.)

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

ITEM 9.4

POST EXHIBITION - HOARDINGS AND SCAFFOLDING - LOCAL APPROVALS POLICY AND GUIDELINES (S125179-02)

It is resolved that:

- (A) Council note the summary of submissions received in response to the exhibition of the draft amended Hoardings and Scaffolding Policy and draft amended Guidelines for Hoardings and Scaffolding, shown at Attachment A to the subject report;
- (B) Council adopt the draft amended Hoardings and Scaffolding Policy, shown at Attachment C to the subject report, as a local approvals policy, and the draft amended Guidelines for Hoardings and Scaffolding, shown at Attachment D to the subject report, under Section 165(1) of the Local Government Act 1993, incorporating further additional amendments to the draft Guidelines for Hoardings and Scaffolding, as summarised in Attachment B to the subject report, resulting from the public exhibition process, including general refinements received through internal feedback, and confirm that re-exhibition of the amended documents is not necessary as the amendments are not substantial (Section 161(2) of the Local Government Act 1993);
- (C) authority be delegated to the Chief Executive Officer to approve updates/amendments to the Guidelines for Hoardings and Scaffolding (post adoption), as may be required from time-to-time and consistent with the adopted Hoardings and Scaffolding Policy;
- (D) authority be delegated to the Chief Executive Officer to make minor editorial changes to the draft Guidelines for Hoardings and Scaffolding prior to the new Policy and Guidelines commencing operation; and
- (E) Council approve the placement of a public notice in a local newspaper giving notice of the adoption and commencement (proposed for early January 2017) of the draft Hoardings and Scaffolding Policy and draft Guidelines for Hoardings and Scaffolding, as required by Section 166 of the Local Government Act 1993.

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

ITEM 9.5**LANDSCAPE CODE 2016 (S091317)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 21 November 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 adopt the Sydney Landscape Code, as shown at Attachments A and B to the subject report; and
- (B) as minor changes or corrections may be required occasionally to ensure the Code is kept up-to-date, authority be delegated to the Chief Executive officer to make minor amendments and corrections to the Sydney Landscape Code, as shown at Attachments A and B.

Officer's Report

The officer's report on this matter can be found at Item 5 of the agenda paper for the meeting of the Planning and Development Committee on 14 November 2016 - Volume 3.

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 D 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 298-304 Sussex Street, Sydney, as detailed in Attachment B;
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 181 Lawson Street, Darlington, as detailed in Attachment C; and
- (E) note that a notice of intention to issue an Order 6 is in place and that, following the assessment of representations, Council exercise its power to issue an Order 6 as recommended by Council's Building Officer in 460-482 Jones Street, Pyrmont, as detailed in Attachment D.

(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: 63, 65A, 69-71 HARRIS STREET AND 14-16 MOUNT STREET PYRMONT (D/2016/916)

It is resolved that consent be granted to Development Application No. D/2016/916, subject to the conditions as detailed in Attachment A to the subject report to the Planning and Development Committee on 14 November 2016, subject to the amendment of Condition (2), such that it read as follows (with additions shown in ***bold italics***):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The scalloped design to the landscaped walls on the northern and southern ***elevation*** of the Mount Street terraces (M1 and M6) shall be repeated on the landscaped boundary walls of the mid-block terraces (Mid 1 and Mid 6).
- (b) The louvers to the mid-block terraces (Mid 1 to Mid 6) on Mount Level L0 and Mount Level L1 facing east shall be fixed at 90 degrees preventing a downward angle to the louver blades.
- (c) On Drawing No.1002 prepared by Tzannes dated 04.10.16 the dormer balconies facing Harris Street on level Mount B1 of H2 and H3 shall be deleted and replaced with a window.
- (d) The rear balcony of the attic master bedroom to H2 and H3 shall be deleted and replaced with a full length door with a flush balustrade to the rear wall.
- (e) This consent does not include any works to H1 as identified on the approved plans being 63 Harris Street, Pyrmont. A separate development application shall be submitted should any works be proposed.
- (f) The deep soil areas shall include landscaping and/or permeable paving only (i.e. permeable unit pavers or gravel).
- (g) ***An amended BASIX certificate be prepared and completed for this Development Consent with respect to the residential building works identified in Condition (1). The amended certificate must be lodged with Council and any application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.***

IMPORTANT NOTE:

Any requirement detailed in the amended BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

The modifications are to be submitted to and approved by Council's Director of City Planning, Development and Transport prior to the issue of any Construction Certificate.

Speakers

Ms Helen Jones, Mr Glenn Wall, Mr Stephen Kerr and Ms Chi Melhem 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 Thalys, and carried unanimously.)

ITEM 9.8**DEVELOPMENT APPLICATION: 1 DERWENT LANE GLEBE (D/2016/415)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 21 November 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 refused for Development Application No. D/2016/415 for the following reasons:

- (1) The application exceeds the maximum height limit of 12 metres. The area of non-compliance relates to the eastern corner of the Derwent Lane (front) elevation which will reach a height of 12.2 metres, 200 millimetres (1.7%) over the maximum standard. An exception to the height standard as required in clause 4.6 of the Sydney Local Environmental Plan 2012 was not provided with the application.
- (2) The removal of the Jacaranda tree is not compatible with the character of the area and therefore fails to satisfy the character test in the State Environmental Planning Policy (Affordable Rental Housing) 2009. The removal of the Jacaranda tree is not consistent with Objective 3.5.2(a), Provision 3.5.2(2), Objective 3.5.3(b), Objective 3.5.3(c) and Section 3.9.6 of the Sydney Development Control Plan 2012 which relate to tree management, the urban vegetation and heritage conservation areas. The removal of the Jacaranda tree is also not consistent with Section 5.9 and Section 5.10 of the Sydney Local Environmental Plan 2012 which relate to preservation of trees and heritage conservation.
- (3) The proposed 4 storey building form is not considered consistent with the predominately 2 to 3 storey building heights in the area and therefore fails to satisfy the character test of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (4) The communal open space does not receive 2 hours of solar access to at least 50% of the area during 9am and 3pm on 21 June and therefore does not comply with clause 4.4.1.4(4)(a) of the Sydney Development Control Plan 2012. The applicant has not demonstrated compliance with the solar access provisions relating to neighbouring dwellings in Section 4.1.3.1 and Section 4.2.3.1 of the Sydney Development Control Plan 2012. The communal open space does not incorporate soft or porous surfaces for 50% of the area in accordance with Provision 4.4.1.4(4)(a) of the Sydney Development Control Plan 2012. The development does not comply with Provision 4.4.1.6(1)(b) of the Sydney Development Control Plan 2012 which requires boarding houses to maintain a high level of resident amenity, safety and privacy by ensuring bedrooms are separated from significant noise sources and incorporate adequate sound insulation.
- (5) The proposed ceiling heights of 2.53 metres will not provide adequate internal amenity.

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 14 November 2016 - Volume 5.

Speakers

Ms Alison Whyte and Mr Ian Armstrong addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

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

ITEM 9.9

DEVELOPMENT APPLICATION: 74-88 BOTANY ROAD ALEXANDRIA (D/2016/563)

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/563, subject to the conditions as detailed in **Attachment A** to the subject report, subject to the addition of the following new condition, Condition (2A):

(2A) DESIGN MODIFICATIONS TO DEVELOPMENT

Plans must be revised to reflect the following design modifications, to the satisfaction of the Director of City Planning, Development and Transport, prior to the issue of the Construction Certificate:

- (a) detailed floor plans and section plans are to be submitted at a scale of 1:50 to illustrate the technical operation of proposed solar chimneys that provide ventilation to apartments at Botany Road;***
- (b) the amended floor plans and section plans must clearly illustrate the location and height of plenums that are required to draw clean air from the internal parts of the site.***

Speakers

Mr Chris Stratford addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

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

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

ITEM 9.10

DEVELOPMENT APPLICATION: 707-711 ELIZABETH STREET WATERLOO (D/2016/153)

It is resolved that:

- (A) the variation sought to exceed the maximum building height contained in 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; and
- (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/2016/153, subject to the conditions as detailed in **Attachment A** to the subject report.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.11

DEVELOPMENT APPLICATION: 137 BELMONT STREET ALEXANDRIA (D/2016/914)

It is resolved that:

- (A) the variation sought to Clause 4.4 Floor Space Ratio 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/2016/914, subject to the conditions as detailed in **Attachment A** to the subject report.

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