

Resolution of Local Planning Panel

8 April 2020

Item 3

Development Application: 21 Kellett Street, Potts Point - D/2019/621

The Panel:

- (A) upheld the variation sought to the minimum motorcycle parking spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 Exceptions to Development Standards of Sydney Local Environmental Plan 2012 in this instance;
- (B) upheld the variation sought to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 Exceptions to Development Standards of Sydney Local Environmental Plan 2012 in this instance; and
- (C) granted consent to Development Application No. D/2019/621 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***).

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The design of the metal laser-cut feature screen and gate to the Mansion Lane lobby is not approved. Enhanced details of the design, material, colour and finish of the screen and gate are to be provided.
- (b) The glass balustrade located behind the planter on the southern Mansion Lane elevation is to be no higher than 1000mm (or minimum NCC requirement) to allow for maintenance of the planter.
- (c) ***The Juliet balcony design that was proposed in the original submission is to be reinstated for rooms 2, 3, 4, 5 and 6.***

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

(18) PLAN OF MANAGEMENT

The Plan of Management must include the minimum criteria as stipulated in Council's *Sydney Development Control Plan 2012 – 4.4.8*.

The use must always be operated / managed in accordance with the Operational and Security Plan of Management, dated September 2019 (Ref 2019/497158) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management is to contemplate separation of control of the properties and is to be amended accordingly.

The amended Plan of Management is to be submitted to the Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is generally consistent with the relevant objectives and controls of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney LEP 2012, that compliance with the motorcycle parking standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009; and
 - (ii) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney LEP 2012, that compliance with the building height development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney LEP 2012.
 - (iii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the motorcycle parking development standard and the building height development standard.
- (C) The proposal exhibits a suitable built form, design and materiality in the context of the heritage conservation area and is appropriate within the streetscape.
- (D) The proposal provides an appropriate level of amenity for future occupants and subject to conditions, will not result in unreasonable impacts on neighbourhood amenity.

- (E) Condition 2 was amended to include reinstating Juliet balconies to improve amenity.
- (F) Condition 5 was amended to contemplate separation of the control of the properties in the Plan of Management.

Carried unanimously.

D/2019/621