

Resolution of Local Planning Panel

17 May 2023

Item 3

Development Application: 29-33 Ithaca Road, Elizabeth Bay - D/2021/1478

The Panel granted deferred commencement consent to Development Application number D/2021/1478 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 17 May 2023, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(32) SITES IN THE VICINITY OF BUILDINGS WITHIN A HERITAGE CONSERVATION AREA – MAJOR DEVELOPMENT

- (a) A protection strategy for the duration of the construction works is to be submitted to and approved by Council's Urban Design and Heritage Manager / Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 68 Elizabeth Bay Road, 72 Elizabeth Bay Road, ~~and~~ 74 Elizabeth Bay Road, ***27 Ithaca Road and 28 Onslow Avenue*** ~~and~~ are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally, the protection strategy is to include:
 - (i) a geotechnical report detailing the investigation of the location and depth of footings ***and structures*** of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings; ***and***
 - (ii) ***onsite continuous vibration monitoring with an appropriate alarm or notification mechanism in place during the excavation and construction activities on the site.***

Reason

To ensure the protection of adjacent/nearby heritage items.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (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 minimum internal area apartment size development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 30(1)(b) of the State Environmental Planning Policy 65 – Design Quality; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the minimum internal area apartment size development standard established by Clause 30(1)(b) of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
- (C) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the objectives of the R1 - General Residential zone.
- (E) The proposal complies with the maximum height of buildings development standard established by Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (F) The proposal complies with the maximum floor space ratio development standard established by Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (G) The proposal provides an appropriate response to the heritage significance of the contributory building by securing an adaptive reuse and is consistent with the desired future character for The Bays Locality, whilst making a positive contribution to the Elizabeth and Rushcutters Bays heritage conservation area, in accordance with Clause 5.10 of the Sydney LEP and Section 2.4.6 and Section 3.9.7 of the Sydney Development Control Plan 2012.
- (H) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (I) The proposed development provides a high standard of architectural design and has appropriately addressed issues of heritage, bulk and massing, environmental impacts and landscape integration to deliver a development which responds to the scale and character of surrounding buildings and is appropriate within the context.
- (J) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.

(K) Condition 32 was amended to ensure consistency in the protection measures afforded to adjoining properties and address the construction impact concerns of neighbouring residents.

Carried unanimously.

D/2021/1478