

Resolution of Local Planning Panel

30 August 2023

Item 4

Development Application: 357 Glebe Point Road, Glebe - D/2021/711

The Panel:

- (A) upheld the variation requested 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) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application No. D/2021/711 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strike through~~):

(51) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces (including 7 spaces for 7 terrace 7 houses, and a double garage for Bidura House)	52
Accessible residential spaces	10
Residential visitor spaces	9
Accessible residential visitor spaces	1
Subtotal	70
Motorcycle parking	4 5
Car wash share share bay	5 1
9.25m Council Waste Collection Vehicle loading docks	1
Total	77

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(76) HERITAGE INTERPRETATION PLAN

- (a) A suitably qualified consultant is to be engaged to undertake a detailed design of the proposed heritage interpretation. The consultant is to develop further the information contained within the Heritage Interpretation Strategy prepared by Paul Davies P/L dated December 2021 after carrying out community consultation and any required historical research. The community consultation is to be carried out with relevant agencies, organisations, and individuals, including **The Glebe Society**, the Metropolitan Local Aboriginal Land Council and local First Nations community representatives.
- (b) A draft of the detailed design of the heritage interpretation, which is to include a summary of the outcome of the community consultation, is to be submitted to and approved by Council's Area Planning Manager prior to manufacture and installation of the interpretation.
- (c) The interpretation must be installed prior to the issue of an Occupation Certificate to the satisfaction of Council's Area Planning Manager.

(77) CONSERVATION WORKS

The Conservation Works to the Bidura House Group are to be carried out in accordance with the Schedule of Conservation Works, Rev B, prepared by Paul Davies P/L dated June 2021.

The conservation works are to be executed **commence within six months of the issuing of this consent** and **be** completed to the satisfaction of Council's Area Planning Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

Reason

To ensure that the heritage item is appropriately conserved and maintained.

(94) CONSTRUCTION LIAISON COMMITTEE

- (a) ***Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Executive Manager, Planning and Development, is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.***
- (b) ***The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.***
- (c) ***The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and***

then at monthly intervals or as considered appropriate by the Committee throughout the construction process.

- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.**
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.**
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.**
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.**
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Council's Executive Manager, Planning and Development, prior to sending.**
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.**

Reason

To ensure that construction impacts are appropriately managed.

(Remaining conditions to be renumbered accordingly.)

(162) ONGOING USE OF PREMISES

The use of the premises is to comply with earlier conditions in Parts A to F which relate to occupation and maintenance of the premises, including conditions 39, 67 and 68.

Reason

To clarify the obligations of future owners and bodies corporate.

Reasons for Decision

The application was approved for deferred commencement for the following reasons:

- (A) 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 'Height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney LEP 2012;
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the E1 - Local Centre zone and the 'Height of buildings' development standard;
 - (iii) the proposal has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Where non compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent;
 - (iv) the proposal is consistent with the amended concept approval for the site, being D/2017/582/A; It is consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with the site pursuant to Sydney DCP 2012 and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to Clause 6.21 of Sydney LEP 2012; and
 - (v) the proposal is appropriate within its setting and is a mixed-use development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.
- (B) Condition 51 was amended to correct the inconsistency between the proposal and the number of motorcycle parking and car share areas allocated to the development, and to correct the descriptions for clarity.
- (C) Condition 76 was amended to ensure The Glebe Society is included in community consultation on the heritage interpretation.
- (D) Condition 77 was amended to ensure that the heritage item is appropriately conserved and maintained in a timely manner.
- (E) Condition 94 was added to address the concerns of neighbouring residents about construction impacts.
- (F) Condition 162 was added to clarify the use and maintenance obligations of future owners and bodies corporate.

Carried unanimously.

D/2021/711