

Local Planning Panel

Meeting No 4

Wednesday 23 May 2018

Notice Date 16 May 2018

minutes

city of villages

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Present

Mr Richard Pearson (Chair), Mr Steve Kennedy, Mr Peter Romey and Ms Amelia Thorpe

At the commencement of business at 5.10 pm, those present were:

Mr Pearson, Mr Kennedy, Mr Romey and Ms Thorpe

The Executive Manager Development was also present.

Apologies

Nil.

Item 1 Disclosures of Interest

Ms Thorpe disclosed a less than significant, non-pecuniary interest in Item 5 on the agenda, Development Application: 524 Bourke Street, Surry Hills as she knows the applicants as their children go to the same school and preschool. They have spoken a few times at school events and say hi on the street but are not know beyond that.

Mr Romey disclosed a less than significant, non-pecuniary interest in Item 7 on the agenda, Development Application: 161 Castlereagh Street, Sydney as he prepared a conservation management plan for the heritage building known as Legion House which was used to guide the adaptive reuse of this building as part of the overall ANZ redevelopment project in the early 2000s. The client was Grocon. He had no involvement with the development application for the rest of the site including the commercial tower that is the subject of Item 7, nor the applicant.

Mr Pearson disclosed a less than significant, non-pecuniary interest in Item 7 on the agenda, Development Application: 161 Castlereagh Street, Sydney as in 2015 he was part of a consultancy group which provided a briefing to GPT executives on metropolitan planning issues. He received no payment for the briefing, it did not lead to any business for him and he has done no work for GPT.

Mr Kennedy disclosed a less than significant, non-pecuniary interest in Item 5 on the agenda, Development Application: 524 Bourke Street, Surry Hills, Item 7 on the agenda, Development Application: 161 Castlereagh Street, Sydney and Item 8 on the agenda, Development Application 35-37 Bettington Street, Millers Points, as his practice has collaborated with the planning consultancy on their projects, but not on these projects.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 9 May 2018, which have been endorsed by the Chair of the 9 May 2018 Local Planning Panel meeting.

Item 3 Matters Arising from the Minutes

There were no matters arising from the minutes of the Local Planning Panel of 9 May 2018.

**Item 4 Development Application: 4140 George Street, 5010 Park Street and 5050
Druitt Street, Sydney**

The Panel:

- (A) Supported the variation to Clause 6.19 Overshadowing of certain public places in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012.
- (B) Supported waiving the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 for a competitive design process.
- (C) Supported waiving the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 for the preparation of a development control plan.
- (D) Granted consent to Development Application D/2017/1652, subject to the conditions recommended in [Attachment B](#) to the subject report.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The proposal, subject to recommended conditions, is consistent with the objectives of the planning controls for the site and is compatible with the character of the area into which it will be inserted.
- (B) The proposed artwork is permissible on the subject land and complies with all relevant planning controls with the exception of overshadowing of Sydney Town Hall steps.
- (C) While the proposal will result in some additional shadowing of the steps this impact will be minor and is outweighed by the positive impacts of the proposal.
- (D) The proposal is of a nature compatible with the overall function of the locality as a civic precinct in the heart of the Sydney CBD. The site is suitable for the proposed artwork and its construction will not give rise to any significant impacts either during construction or once commissioned.
- (E) The proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.
- (F) The proposal is consistent with the Sustainable Sydney 2030 Strategy which aims to increase street life in the city centre and the City Centre Public Art Plan.
- (G) The proposal has been through an extensive design process following an international open expression of interest and tender, selection by an expert evaluation panel and review by Council's Design Advisory Panel.
- (H) Extensive consultation has taken place with State Government authorities in relation to interface with transport and infrastructure projects in the vicinity and relevant requirements imposed.

D/2017/1652

Speakers

The following people addressed the Local Planning Panel on Item 4 – Ms Barbara Flynn (Curatorial Advisor, City Centre), on behalf of the applicant and Mr Kim Woodbury (Chief Operating Officer, City of Sydney), on behalf of the applicant.

Item 5 Development Application: 524 Bourke Street, Surry Hills

The Chair adjourned the Panel meeting at 5.50pm to further consider Item 5.

The Chair reconvened the Panel meeting at 6.15pm.

The Panel:

- (A) Supported the variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards in the Sydney Local Environmental Plan 2012.
- (B) Granted consent to Development Application No. D/2017/1749 subject to the conditions set out in [Attachment A](#) to the subject report, subject to the following amendments (additions shown in **bold italics** and deleted text shown in ~~strikethrough~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- ~~(a) The basement is to be reduced in size such that it is confined to the footprint of the garage, with excavation setback 500mm from the boundaries adjoining nos. 522 and 526 Bourke Street.~~
- (a) The extent of the proposed basement is to be modified to delete the portion of the proposed basement to the north of the pool alignment and to the west of the line of the garage above, with the balance of this area to be used to support deep soil planting.**
- ~~(b) A minimum 27sqm of deep soil planting is to be provided in the rear yard. Porous paving is permitted in this location with a maximum width of 1.2 metres providing there is a deep soil area on one side level with the paved area.~~
- (b) An advanced tree is to be provided in the rear yard of the site.**
 - (i) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
 - (ii) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (c) The windows within the rear roof extension are to be timber framed.**

The details must be submitted to and approved by the Area Planning Manager prior to any Construction Certificate being issued.

(3) UPDATED GEOTECHNICAL AND STRUCTURAL ENGINEERS' REPORTS

Prior to the issue of any Construction Certificate, geotechnical and structural engineers' reports, prepared by suitably qualified engineers experienced in dealing with heritage buildings must be submitted for the approval of the Council's Area Planning Manager. The report should assess the impact that the excavation and demolition works will have on the heritage building and the adjoining properties, including the garage. It should include recommendations of measures to be undertaken during the excavation and demolition work. In particular, the reports must identify the construction methodology of the basement excavation, demonstrate that the works **are able to be carried out without undue risks and** ~~will not adversely impacts to the structural integrity of the terrace row and neighbouring properties, and manage dewatering.~~ The structural design of the replacement structural components, such as lintels, columns and footings, should be included in the report.

(21) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (e) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (d) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- ~~(d) New services are to be surface mounted rather than chased in to existing walls to minimise impact on heritage fabric.~~
- (e)(d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f)(e) The new windows and doors **within existing openings** on the existing building must match the original material **and glazing patterns**, which is [Select: timber joinery, steel-framed, monel metal, bronze or brass-framed].
- (g)(f) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h)(g) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The development the subject of this application is consistent with the objectives of the B4 - Mixed Use zone for the reasons set out in the report to the Local Planning Panel.
- (B) The variation to Clause 4.3 of the Sydney Local Environmental Plan 2012 Height of Buildings is consistent with the provisions of Clause 4.6 'Exceptions to development standards' and is in the public interest.
- (C) The alterations and additions to the dwelling and the garage and studio addition to the rear are generally consistent with those approved under D/2010/2111, as amended and will not adversely impact the significance of the heritage item and its contribution to the Bourke Street South conservation area (C60).
- (D) The basement is to be reduced to increase the area of deep soil planting to improve consistency with Section 4.1.3.4 of the Sydney DCP 2012. Subject to further structural, geotechnical and construction information regarding the methodology of construction and shoring, the location of the basement in the rear yard will not adversely impact the structural integrity of the terrace.
- (E) As conditioned, it is generally consistent with the objectives of the relevant controls for the site and will not adversely impact the amenity of neighbouring properties.
- (F) The amendments to Conditions 2 and 3 were made by the Panel to enable a small additional area of basement to cater for servicing of the swimming pool and to enable the applicant to demonstrate to Council's satisfaction that any basement construction on property boundaries can be carried out without undue risks and impacts to neighbouring properties.
- (G) The amendments to Condition 21 were made by the Panel to reflect the substantial interior alterations to the dwelling which have already occurred.

D/2017/1749

Speakers

The following people addressed the Local Planning Panel on Item 5 – Mr Alex Szann (neighbour) and Mrs Senta Hoyne and Mr Stephen Kerr (City Plan Services), on behalf of the applicant.

Item 6 Development Application: 638 King Street, Erskineville

The Panel:

- (A) Pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan (LEP) 2012, supported the variation to the provision of motorcycle parking contained in State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (B) Granted consent to Development Application No. D/2018/132 subject to the conditions set out in [Attachment A](#) to the subject report.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The proposal is consistent with the objectives of the B2 - Local Centre zone and the relevant development controls for the site.
- (B) The non-compliance with the motorcycle parking development standard is offset by the site's close proximity to public transport nodes.
- (C) The proposal is otherwise largely compliant with the controls in the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (D) Subject to compliance with the recommended conditions, the proposed boarding house will provide acceptable amenity for occupants that will result in an improved active frontage to the streetscape.
- (E) The approval is not anticipated to result in any significant impacts on the surrounding land uses.

D/2018/132

Mr Kennedy wanted it minuted that whilst the design of the proposed boarding house complies with the letter of the ARHSEPP in terms of its compliance with the minimum boarding house room sizes he is of the opinion it does not comply with the spirit of the SEPP in terms of delivering quality low cost accommodation.

Item 7 Development Application: 161 Castlereagh Street, Sydney

The Panel:

- (A) Supported the variation to Clause 4.4 Floor Space Ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012.
- (B) Granted consent to Development Application D/2018/269 subject to the conditions set out in [Attachment A](#) to the subject report.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The proposed development is consistent with section 4.15 of the Environmental Planning and Assessment Act 1979 in that it satisfies the provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 and for the reasons outlined in the report submitted to the Local Planning Panel.
- (B) The proposed additional internal floor space of 35.82sqm results in a 1% increase in gross floor area over that previously approved increasing the FSR for the site from 14.51:1 to 14.52:1.
- (C) The increase in floor space has no impact on any external building envelope on the site.
- (D) The additional floor space will have no adverse impact on the amenity of the locality.

D/2018/269

Item 8 Development Application: 35-37 Bettington Street, Millers Point

The Panel granted consent to Development Application No. D/2017/1748 subject to the conditions set out in [Attachment A](#) to the subject report.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The proposed development is consistent with section 4.15 of the Environmental Planning and Assessment Act 1979, in that it satisfies the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 and for the reasons outlined in the report submitted to the local Planning Panel.
- (B) The proposal has been amended (changing barrels to tables and chairs) to address concerns raised by Council staff in regards to the daily use of the footway only being possible in association with the consumption of food.
- (C) The event component to use a total of 85sqm of footway split into two areas between 10.00am and 5.00pm will only occur on four days per year, being New Year's Day, Australia Day, ANZAC Day, and Melbourne Cup day; with a total capacity of 20-30 standing patrons which are a redistribution of existing patron numbers, rather than additional patron numbers.
- (D) The Panel has imposed a 12 month time-limited consent to ensure that the proposal can occur without undue impact on the amenity of nearby residents, with performance to be carefully considered should renewal of the consent be sought.

D/2017/1748

Speakers

The following people address the Local Planning Panel at Item 8 – Mr Bill Vlahos (neighbour) and Mr James Kingston (City Plan Services), on behalf of the applicant.

Item 9 Development Application: 429-481 George Street, Sydney (Shop 59)

The Panel granted consent to Development Application No. D/2018/325 subject to the conditions set out in [Attachment A](#) to the subject report.

Carried unanimously.

Reasons for Decision

- (A) The Panel approved the application as:
- (B) It is consistent with the objectives of the B8 - Metropolitan Centre Zone.
- (C) It is consistent with the relevant planning controls for the site.
- (D) The proposed works comply with the site-specific exemptions that apply to the Queen Victoria Building under Section 57(2) of the Heritage Act 1977.
- (E) The works are minor and will, subject to conditions, result in no adverse environmental or heritage impacts.

D/2018/325

Item 10 Local Planning Panel - Revised Operational Procedures

The Panel adopted the revised City of Sydney Local Planning Panel Operational Procedures, as shown at [Attachment A](#) to the subject report, subject to the following amendment (additions shown in ***bold italics***):

5. Any written representation from proponents or other interested parties ***on the business papers*** must be submitted to Council by 5.00pm three business days prior to the relevant Panel meeting. For Local Planning Panel meetings that occur on Wednesdays, this information is required by 5.00pm, the Friday prior to the relevant Panel meeting.

Carried unanimously.

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Item 11 Local Planning Panel - Delegations

The Panel decided to:

- (A) in accordance with the requirements of the Environmental Planning and Assessment Act 1979, delegate its functions as a consent authority in relation to legal proceedings arising from a decision of the Local Planning Panel (or a decision that would have ordinarily been required to be dealt with by the Local Planning Panel) to the positions of Director City Planning, Development and Transport, Executive Manager Development and Manager Planning Assessments.
- (B) in accordance with the requirements of the Environmental Planning and Assessment Act 1979, delegate its functions as a consent authority in relation to modification applications under sections 4.55 and 4.56 (former section 96 applications) to the positions of Director City Planning, Development and Transport, Executive Manager Development and Manager Planning Assessments.
- (C) in accordance with the requirements of the Environmental Planning and Assessment Act 1979, delegate its functions as a consent authority in relation to development for which council is the applicant or land owner and the application proposes:
 - internal alterations and additions to a building that is a heritage item; or
 - temporary installation of public art; or
 - a temporary event;to the positions of Area Planning Manager and Manager Planning Assessments.

Carried unanimously.

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The meeting of the Local Planning Panel concluded at 6.53 pm.

CHAIR