

Local Planning Panel

Meeting No 22

Wednesday 26 June 2019

Notice Date 19 June 2019

minutes

city of villages

Index to Minutes

| ITEM | PAGE NO |
|---|---------|
| 1. Disclosures of Interest | 94 |
| 2. Confirmation of Minutes | 94 |
| 3. Development Application: 81 MacLeay Street, Potts Point - D/2019/179..... | 95 |
| 4. Development Application: 290-294 Botany Road, Alexandria - D/2018/1500..... | 97 |
| 5. Development Application: 55-67 Clarence Street, Sydney - D/2019/60..... | 98 |

Present

Mr Steven Layman, Professor Helen Lochhead, Mr Shaun Carter and Associate Professor Amelia Thorpe.

At the commencement of business at 5.02pm, those present were:-

Mr Layman, Prof. Lochhead, Mr Carter and A/Prof. Thorpe.

The Director City Planning, Development and Transport was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Mr Carter left the meeting at 5.54pm, prior to discussion on Item 4, and returned to the meeting at 6.14pm, at the conclusion of discussion and voting on Item 4.

Item 1 Disclosures of Interest

In accordance with Clause 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

Mr Carter disclosed a reasonably perceived conflict of interest in Item 4 - Development Application: 290-294 Botany Road, Alexandria as Carter Williamson Architects have recently worked with Urbis who are the planning consultant for the applicant. Given the conflict of interest, Mr Carter will step out for deliberation on Item 4.

No members disclosed any other pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 5 June 2019, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 81 MacLeay Street, Potts Point - D/2019/179

The Panel granted consent to Development Application No. D/2019/179 subject to the conditions set out in [Attachment A](#) to the subject report, subject to the following amendments to the Plan of Management, as set out in Attachment C to the subject report (additions shown in ***bold italics*** and deleted text shown in ~~strikethrough~~):

Premises Management Checklist (Low Impact Premises)

FRANCA

Shop 2 / 81 MacLeay Street, Potts Point, NSW 2011

This plan of management has been prepared in accordance with City of Sydney DCP 2012.

- (a) Describe measures that will be taken to minimise internal and external noise impacts on adjoining properties and how such measures will be implemented;

The following measure will be implemented to minimise internal and external noise impacts on adjoining properties:

- Patrons will be encouraged to leave the premises in a quiet and orderly manner and loitering in front of the premises will be actively discouraged. Management and staff will remain vigilant around the entrance/ exit of the venue until 60 minutes after close of business or the area is deemed cleared.
 - There will be no live entertainment with music played within the venue set at a volume set to encourage conversation.
 - ~~Music playing within the outdoor area will be at a volume so as not to be audible above accepted street noise levels at any adjoining residential property.~~
 - The current acoustic environment is detailed within the acoustic assessment prepared by Renzo Tonin and Associates. Mitigation measures required in association with this proposal are also set out in this report, which form part of this application.
 - We anticipate that most patrons of the venue will arrive by foot/ public transport. We do not expect that any increase in traffic volumes and noise will likely be appreciable.
 - ***Management is to ensure that patrons do not block or congregate in the vicinity of the entry stairs.***
 - ***The front door is to be in a closed position after the end of external trading hours.***
- (b) Outline the procedures for minimising and managing waste that is generated on site and how and when waste will be collected (eg. disposal of bottles, waste removal etc.)

...

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objectives of the B4 Mixed Use Zone in that it contributes to a mixture of compatible land uses.
- (B) The proposed development is considered appropriate to its setting and complies with the relevant planning controls contained in the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (C) The proposed development is compatible with the character of the area and will not result in unacceptable adverse impacts upon the amenity of surrounding residential properties, subject to the recommended conditions.
- (D) The Plan of Management was amended in response to concerns raised by speakers. Bullet point three on page 1 was deleted to ensure there is no music played in the outdoor area of the restaurant and two bullet points were added to restrict patrons loitering in the shared access entry area and to ensure that the restaurant doors are closed outside external trading hours. The amendments to the Plan of Management seek to protect neighbouring amenity and maintain unobstructed residential access to the building.

Carried unanimously.

D/2019/179

Speakers

Mr John Deeth (resident), Ms Kerry Gordon (Kerry Gordon Planning Services Pty Ltd – on behalf of the Strata Committee at 81 MacLeay Street, Potts Point) and Mr Dirk Anderson (on behalf of the applicant).

Item 4 Development Application: 290-294 Botany Road, Alexandria - D/2018/1500

Mr Carter left the meeting at 5.54pm, prior to discussion on Item 4, and returned to the meeting at 6.14pm, at the conclusion of discussion and voting on Item 4.

The Panel:

- (A) granted deferred commencement consent to Development Application No. D/2018/1500 pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to conditions as detailed in [Attachment A](#) of the subject report; and
- (B) approved the design excellence strategy for 290-294 Botany Road, prepared by Urbis and dated 7 May 2019, pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy.

Reasons for Decision

The application was approved, subject to a deferred commencement consent, for the following reasons:

- (A) The proposed land uses of retail, commercial and office are consistent with the objectives of the B4 mixed use zone as per the Sydney Local Environmental Plan 2012.
- (B) The proposed height is consistent with the permitted height pursuant to Clause 4.3 of Sydney Local Environmental Plan 2012.
- (C) The proposed development will be the subject of a competitive design process in accordance with Clause 6.21(5) of Sydney Local Environmental Plan 2012.
- (D) The proposed bulk and form of the development is consistent with existing and future planned development. The design excellence strategy includes ESD targets which have to be incorporated into the detailed design. A landscape strategy and public art strategy are also recommended to be approved as part of this consent. As such, the proposed development is considered to meet the requirements of Clauses 6.21(3) and 6.21(4), and Clause 7.21 of Sydney Local Environmental Plan 2012.
- (E) The proposed setbacks and design conditions will result in a development which does not unreasonably impact on the amenity of adjoining developments. This relationship can be further refined through the competitive design process and detailed development application.
- (F) The proposed development will result in additional community infrastructure in accordance with Clause 6.14 of Sydney Local Environmental Plan 2012, as per the submitted Public Benefit Offer and Voluntary Planning Agreement. A deferred commencement condition is recommended requiring this Voluntary Planning Agreement to be executed and registered on title prior to the consent becoming operative.

Carried unanimously.

D/2018/1500

Speakers

Mr Tony Chenchow (Chenchow Little Architects – on behalf of the applicant) and Ms Genevieve Beard (Urbis – on behalf of the applicant).

Item 5 Development Application: 55-67 Clarence Street, Sydney - D/2019/60

The Panel granted consent to Development Application No. D/2019/60 subject to the conditions set out in [Attachment B](#) to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed additional floor space satisfies the opportunity site floor space provisions under Clause 6.9 of Sydney Local Environmental Plan 2012.
- (B) The proposed development exhibits design excellence and is consistent with the provisions of Clause 6.21 of Sydney Local Environmental Plan 2012.
- (C) The proposed development is in the public interest.
- (D) The proposed works will improve the building's ground floor appearance as well as the legibility of the existing through site link.

Carried unanimously.

D/2019/60

The meeting of the Local Planning Panel concluded at 6.19pm.

CHAIR