

Local Planning Panel

Meeting No 28

Wednesday 30 October 2019

Notice Date 23 October 2019

minutes

city of villages

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Present

Ms Abigail Goldberg (Chair), Professor Helen Lochhead, Mr Shaun Carter and Associate Professor Amelia Thorpe.

At the commencement of business at 5.01pm, those present were:-

Ms Goldberg, 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.

Item 1 Disclosures of Interest

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

In accordance with section 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.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 9 October 2019, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 161 Castlereagh Street, Sydney - D/2019/88

The Panel refused consent for Development Application No. D/2019/88 for the following reasons:

- (A) The proposal will result in an FSR of 14.86:1 which exceeds the 12.52:1 FSR (base 8:1 plus 4.52:1 accommodation floor space) development standard prescribed under Clause 4.4 and Clause 4.6 of the Sydney LEP 2012. The Clause 4.6 variation that has been submitted is not supported as Council is not satisfied that the written request has provided adequate justification that compliance with the Floor Space Ratio control is unreasonable or unnecessary. Further, the application does not provide sufficient environmental planning grounds to justify contravening the standard.
- (B) The proposal reduces the amount and quality of the useable open space available to the public in the plaza. The leasable seating zone, for the exclusive use of the pub, is extended with a continuous awning over the outdoor seating area. This will result in a large portion of the plaza being privatised.
- (C) The proposal is contrary to the base consent D/2007/1792/H which permitted additional floor space above the floor space development standard based on public benefits including the plaza. The proposal is contrary to the restrictive covenant which requires a clear demarcation of the "public" and "private/leasable space" space to ensure that the space is not privatised by future uses.
- (D) The new bar known as tenancy 3 will almost entirely encompass the buildings undercroft and will negatively impact on views to and the space around the existing public art installation. The proposal is contrary to the objectives of provision 3.1.5 (public art) of Sydney DCP 2012 which includes a requirement to improve the quality of public artworks in private developments and ensure that public art is an integrated and cohesive part of new developments.
- (E) The proposal fails to demonstrate design excellence in accordance with Clause 6.21 of the Sydney LEP 2012 as the form and external appearance of the proposed development does not improve the quality and amenity of the public domain and the proposal will impact on views to the existing art installation.
- (F) The proposal fails to comply with provision 3.5.2 of the Sydney DCP 2012. The proposed awning will encroach significantly on the canopy of the semi-mature hills fig tree located in a planter box on the eastern side of the plaza.
- (G) The proposal is inconsistent with the objectives of Section 3.15 (late night trading management) of the Sydney DCP 2012 as the submitted acoustic report presents a number of technical errors and fails to detail the existing acoustic levels of the surrounding site. Further the recommendations in the report have not been reflected in plans or the submitted Plan of Management and a number of claims in the report of acoustic compliance are not supported, thus failing to ensure that the development will not have an adverse amenity impact on surrounding sensitive uses.

- (H) With consideration of the above matters, approval of the development would not be in the public interest and is contrary to Clause 4.15(1) (e) of the Environmental Planning and Assessment Act 1979. The proposal is inconsistent with the relevant planning controls and will have adverse environmental impacts on the locality.

Carried unanimously.

Speakers

Jillian Sneyd (GLN Planning – on behalf of the Castlereagh Boutique Hotel and The Masonic Club), David Ripplingill (Director, Design Collaborative – on behalf of the applicant), Stephen Nicol (GPT Property Group – Applicant), Sean McPeake (Principal Architect, FJMT– on behalf of the applicant), George Wei (Director, Acoustic Logic– on behalf of the applicant) and Simon Tilley (Hotelier – Applicant).

D/2019/88

Item 4 Development Application: 658-660 Botany Road, Alexandria - D/2018/871

The Panel granted a deferred commencement consent to Development Application No. D/2018/871 pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A to the subject report, and subject to the following amendments (additions shown in bold italics and deletions in strikethrough):

(55) INACCESSIBLE GREEN ROOFS (BOTANY TOWER ROOFTOP AND LEVEL 2 AWNING)

- (a) The landscape package, revision C, prepared by Sydney Design Collective dated September 2019 is not approved. A detailed green roof **and level two** design including plans and details drawn to scale, and technical specification, by a registered landscape architect or AILDM qualified landscape designer, must be submitted to and approved by Council's ~~Area Planning Manager~~ **Director City Planning, Development and Transport** prior to the issue of a Construction Certificate.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is for shop-top housing comprising apartment dwellings above ground floor retail and business premises. The site is located within the area subject to clause 1AA of Schedule 1 of the Sydney Local Environmental Plan 2012 (the LEP), which specifies development for the purposes of shop-top housing as being permitted with consent.
- (B) The proposed development complies with the 22m height of buildings control pursuant to clause 4.3 of the LEP and complies with the 2:1 floor space ratio control pursuant to clause 4.4 of the LEP. The proposed development satisfies the relevant objectives of Sydney Development Control Plan 2012 (the DCP).
- (C) The proposed development provides an appropriate architectural contribution that is suitable in terms of its context, scale and built form that is consistent with the desired future character of the area, as expressed in the applicable planning policies. As such it is considered to exhibit design excellence and satisfies the relevant requirements of clause 6.21 of the LEP.
- (D) The proposed development will not result in unacceptable adverse impacts upon the amenity of surrounding residential properties, subject to the recommended conditions.
- (E) Condition 55 was amended to provide abundant clarity on the landscape package design.
- (F) The Panel accepted the concerns of neighbouring residents regarding overshadowing and basement construction, however these matters were regarded as having been adequately assessed and addressed.

Carried unanimously.

Speakers

Angela Amar (resident) and Tone Wheeler (Principal Architect, Environa Studio – on behalf of the applicant).

D/2018/871

Note: Item 5 – Development Application: 82 City Road, Chippendale – D/2019/822 and Item 6 – Development Application: 84 City Road, Chippendale – D/2019/823 were discussed, considered and determined concurrently.

Item 5 Development Application: 82 City Road, Chippendale - D/2019/822

The Panel granted consent to Development Application No. D/2019/822 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in bold italics):

(14) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Principal Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres. ***This does not apply to the first floor room in the new building facing Maze Lane or the second floor attic space of the existing building.***

Reasons for Decision

The application was approved for the following reasons:

- (A) 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 development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 30(1)(h) of the SEPP - Affordable Rental Housing 2009; and
- (B) 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; and
- (C) the proposal is in the public interest because it is consistent with the objectives of the R1 - General Residential zone and the motorcycle parking and height of buildings development standards.
- (D) the proposal is considered appropriate within its setting and is generally compliant with the relevant planning controls contained in the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (E) the proposed use is compatible with the predominant residential nature of the area and it is considered that the use will not result in unreasonable impacts to nearby residential properties, subject to the attached conditions.
- (F) Condition 14 was amended to exclude the first floor room in the new building facing Maze Lane and the second floor attic space of the existing building as these rooms are not able to meet this requirement.

Carried unanimously.

Speakers

Lee Kosnetter (on behalf of the applicant) and Xen Coudounaris (applicant).

D/2019/822

Item 6 Development Application: 84 City Road, Chippendale - D/2019/823

The Panel granted consent to Development Application No. D/2019/823 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in bold italics):

(14) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Principal Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres. ***This condition does not apply to the first floor room in the new building facing Maze Lane or the second floor attic space of the existing building.***

Reasons for Decision

The application was approved for the following reasons:

- (A) 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 development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 30(1)(h) of the SEPP - Affordable Rental Housing 2009; and
- (B) 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; and
- (C) the proposal is in the public interest because it is consistent with the objectives of the R1 - General Residential zone and the motorcycle parking and height of buildings development standards.
- (D) the proposal is considered appropriate within its setting and is generally compliant with the relevant planning controls contained in the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (E) the proposed use is compatible with the predominant residential nature of the area and it is considered that the use will not result in unreasonable impacts to nearby residential properties, subject to the attached conditions.
- (F) Condition 14 was amended to exclude the first floor room in the new building facing Maze Lane and the second floor attic space of the existing building as these rooms are not able to meet this requirement.

Carried unanimously.

D/2019/823

**Item 7 Development Application: 901/ 13-15 Bayswater Road Potts Point -
D/2019/646**

The Panel granted consent to Development Application No. D/2019/646 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) Subject to conditions, the proposed development will be consistent with the aims and objectives of the B2 - Local Centre zone.
- (B) The proposal will not impact on the character and heritage significance of the subject contributory building and the heritage conservation area.
- (C) The proposed development will not adversely impact neighbouring residential amenity and will improve the residential amenity of the subject unit.
- (D) The proposal is considered to be suitable for the site.
- (E) The proposal will have no detrimental effect on the public interest, subject to appropriate conditions.
- (F) Subject to conditions, the proposed development is considered to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.
- (G) Subject to conditions, the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012.
- (H) The requested variation to the Clause 4.3 Sydney LEP 2012 'Height of buildings' Standard is upheld. The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 27m 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. Based upon the material available, the consent authority is satisfied that the proposal is in the public interest because it is consistent with the objectives of the B2- Local Centre zone and the Height development standard.
- (I) The requested variation to the Clause 4.4 Sydney LEP 2012 'Floor space ratio' Standard is upheld. The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 5:1 floor space development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012. Based upon the material available, the consent authority is satisfied that the proposal is in the public interest because it is consistent with the objectives of the B2- Local Centre zone and the Floor Space Ratio development standard.

Carried unanimously.

D/2019/646

The meeting of the Local Planning Panel concluded at 6.31pm.

CHAIR