

Local Planning Panel

Meeting No 33

Wednesday 18 March 2020

Notice Date 11 March 2020

minutes

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Present

Mr Richard Pearson (Chair), Ms Penny Murray, Ms Darlene van der Breggen and Associate Professor Amelia Thorpe

At the commencement of business at 5.04 pm, those present were:

Mr Pearson, Ms Murray, Ms van der Breggen and A/Prof Thorpe

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

Ms Murray departed the meeting at 5.14pm prior to the consideration and determination of Item 9 and did not return.

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

The Chair advised that following consultation between the City of Sydney and the Local Planning Panel, Items 3 to 5 were not considered at the 18 March 2020 LPP meeting due to the need to limit public attendance as a result of the COVID-19 pandemic.

- Item 3 - Development Application: 589-591 Elizabeth Street, Redfern - D/2018/774
- Item 4 - Development Application: 2-4 Oxford Street, Darlinghurst - D/2019/1091
- Item 5 - Development Application: 21C Billyard Avenue, Elizabeth Bay - D/2019/665

It is intended that a future meeting of the Local Planning Panel (date/time to be advised) will consider the above items. Further notification and any additional information required for the meeting will be provided as soon as practicable.

Item 1 Disclosures of Interest

Ms Murray disclosed the following reasonably perceived conflicts of interest

- Item 7 - Development Application: Building D – 57 Ashmore Street, Erskineville – D/2019/291 as she and her colleagues in practice are engaged by clients that have also engaged Urbis from time to time. She has had no involvement with this application.
- Item 9 - Development Application: 174-176A, 178-186, and 178A George Street, and 33-35 Pitt Street, Sydney – D/2019/1339 as she and her colleagues in practice currently provide advice (for consideration) to the applicant and its associated entities (on other sites). She has provided advice to Mirvac on its neighbouring owned sites to this development.

Following assessment of the above disclosures of interest under the Code of Conduct for Local Planning Panels and the City of Sydney Local Planning Panel Operational Procedures:

- Ms Murray is not required to step out for deliberation on Item 7.
- Ms Murray will be required to step out for deliberation on Item 9.

No other 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 26 February 2020, which have been endorsed by the Chair of that meeting.

Note – Items 3 to 5 were not considered at the 18 March 2020 Local Planning Panel meeting.

Item 6 Development Application: 13 Brodrick Street, Camperdown - D/2019/663

The Panel:

- (A) supported the variation sought to the height of buildings development standard under Clause 4.3 of the Sydney Local Environmental Plan 2012 in accordance with the provisions of Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application;
- (B) supported the variation sought to the minimum motorbike parking spaces required under Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (C) granted consent to Development Application No. D/2019/663 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) The proposal involves construction of a new boarding house, which is permissible with consent within the B4 Mixed Use zone;
- (B) The proposal is consistent with the aims and objectives of Division 3 of the State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (C) The proposal complies with the relevant provisions of the Sydney Local Environmental Plan 2012 with regard to the aims of the Plan and in relation to the objectives of the B4 Mixed Use zone;
- (D) The applicant's written request for variation to Clause 4.3 height of building standard has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012, and the proposed development would be in the public interest because it is consistent with the objectives of the height of building development standard and the B4 Mixed use zone. The applicant's written request has demonstrated that strict compliance with the Clause 4.3 height of building standard is unreasonable and unnecessary in the circumstances of the application and there are sufficient environmental grounds to justify contravening the height of the building development standards;
- (E) The applicant's written request seeking exemption from provision of motorcycle parking spaces under SEPP (Affordable Rental Housing) has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 30(1)(h) Motorcycle parking of the SEPP (Affordable Rental Housing) and the B4 Mixed use zone. The written request has demonstrated that strict compliance with Clause 30(1)(h) motorcycle parking of the SEPP (Affordable Rental Housing) is unreasonable and unnecessary in the circumstances of the application and there are sufficient environmental grounds to justify contravening the development standards requiring provision of motorcycle parking spaces under SEPP (Affordable Rental Housing);

- (F) Having considered the matters in Clause 6.21(4) of the Sydney Local Environmental Plan 2012, the amended proposal is considered to display design excellence and as such complies with Clause 6.21(3) of the Sydney Local Environmental Plan 2012.
- (G) The amended proposal is considered to be acceptable with regard to the relevant provisions of the Sydney Development Control Plan 2012 in relation to boarding houses; and
- (H) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Carried unanimously.

D/2019/663

Item 7 Development Application: Building D - 57 Ashmore Street, Erskineville - D/2019/291

The Panel:

- (A) supported the variation sought to the development standard under Clause 4.3 Height of Buildings in accordance with Clause 4. Exceptions to Development Standards in the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2019/291 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) The development is permissible in the B2 - Local Centre zone and consistent with the zone objectives.
- (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 Local Environmental Plan 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravening Clause 4.3 of the Sydney Local Environmental Plan 2012, and
 - (ii) The proposal is in the public interest because it is consistent with the objectives of the B2 - Local Centre zone and the height of buildings development standard.
- (C) The development achieves a high standard of architectural design, material and detailing, with particular attention to the materials, relationship to adjacent development and contributions to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 and consent may be granted.
- (D) The development is consistent with the concept approval granted under D/2015/966/C and the planning agreement for public domain works.
- (E) Subject to conditions, construction impacts can be mitigated to protect the amenity and function of the surrounding area.
- (F) For the reasons above, the development is in the public interest.

Carried unanimously.

D/2019/291

Item 8 Development Application: 38 Princess Avenue, Rosebery - D/2019/1168

The Panel, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2019/1168 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~~):

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and ~~EPSOM PROPERTY GROUP PTY LIMITED~~ **Brett William Ebert** which was placed on public exhibition between 17 March 2020 and 7 April 2020 shall be executed and submitted to Council; and
- ~~(b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and~~
- (b)** The payment of the monetary contribution must be provided to Council **upon execution of** ~~in accordance with~~ the Voluntary Planning Agreement.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the aims and objectives of the R1 - General Residential zone.
- (B) Subject to conditions, the proposed development will not adversely impact neighbouring residential amenity.
- (C) The proposal is considered to be suitable for the site.
- (D) The proposal will have no detrimental effect on the public interest, subject to appropriate conditions.
- (E) Subject to conditions, the proposed development is considered to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.
- (F) The proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012.
- (G) The consent authority is satisfied that the proposed bonus floor space is in accordance with the requirements of Clause 6.14 of the Sydney LEP 2012 and is acceptable subject to Deferred Commencement awaiting the execution of the Voluntary Planning Agreement.
- (H) Condition 1 was amended to reflect the legal entities the VPA is between and to reflect that the monetary contribution will be provided to Council upon the execution of the VPA.

Carried unanimously.

D/2019/1168

Item 9 Development Application: 174 - 176A, 178 - 186, and 178A George Street and 33-35 Pitt Street, Sydney - D/2019/1339

The Panel granted consent to Development Application No D/2019/1339, subject to the amended conditions detailed in Attachment A to the Information Relevant To memorandum from the Director City Planning, Development and Transport, dated 18 March 2020.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development the subject of the application is consistent with the objectives of the B8 Metropolitan Centre Zone for the reasons set out in the report;
- (B) The proposal is consistent with the relevant objectives and controls for the site including the Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012, and the relevant SEPPs;
- (C) The proposal, subject to conditions, will not adversely impact upon the amenity of neighbouring properties and is generally in the public interest as it will contribute to the creation of a new public domain area;
- (D) The proposal includes a public artwork in the form of a canopy over a new publicly accessible plaza that will create a community focused destination; and
- (E) The proposal is consistent with the terms of the planning agreement that is registered on the site.
- (F) Conditions were amended following a submission from the applicant and consideration by the City, for the reasons detailed in the Information Relevant To memorandum from the Director City Planning, Development and Transport dated 18 March 2020.

Carriedd unanimoulsy.

D/2019/1339

The meeting of the Local Planning Panel concluded at 5.17 pm.

CHAIR