

# Local Planning Panel

Meeting No 34

Wednesday 8 April 2020

Notice Date 1 April 2020

*minutes*

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### Present

Mr Steven Layman (Chair), Ms Helena Miller, Ms Darlene van der Breggen and Associate Professor Amelia Thorpe.

At the commencement of business at 5.05pm, those present were:

Mr Layman, Ms Miller, Ms van der Breggen and A/Prof Thorpe.

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

Ms Miller departed the meeting at 6.00pm, prior to the consideration and determination of Item 6 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.

### Remote Meeting

The Chair advised that the meeting was being held via audio visual links, with Panel members, relevant staff and those addressing the Panel attending the meeting remotely.

**Item 1      Disclosures of Interest**

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.

Ms Helena Miller disclosed a reasonably perceived conflict of interest in Item 6 – Development Application: 10-16 Bay Street, Ultimo – D/2019/1361, as she has previously prepared a number of development applications for the City in respect of its Bay Street depot at 10-16 Bay Street, Ultimo.

Following assessment of the above disclosure of interest under the Code of Conduct for Local Planning Panel Members and the City of Sydney Local Planning Panel Operational Procedures, Ms Miller is required to step out for deliberation on Item 6.

No other members disclosed any 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 18 March 2020, which have been endorsed by the Chair of that meeting.

**Item 3 Development Application: 21 Kellett Street, Potts Point - D/2019/621**

The Panel:

- (A) upheld the variation sought to the minimum motorcycle parking spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 Exceptions to Development Standards of Sydney Local Environmental Plan 2012 in this instance;
- (B) upheld the variation sought to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 Exceptions to Development Standards of Sydney Local Environmental Plan 2012 in this instance; and
- (C) granted consent to Development Application No. D/2019/621 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***):

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The design of the metal laser-cut feature screen and gate to the Mansion Lane lobby is not approved. Enhanced details of the design, material, colour and finish of the screen and gate are to be provided.
- (b) The glass balustrade located behind the planter on the southern Mansion Lane elevation is to be no higher than 1000mm (or minimum NCC requirement) to allow for maintenance of the planter.
- (c) ***The Juliet balcony design that was proposed in the original submission is to be reinstated for rooms 2, 3, 4, 5 and 6.***

The modifications are to be submitted to and approved by Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

**(18) PLAN OF MANAGEMENT**

The Plan of Management must include the minimum criteria as stipulated in Council's *Sydney Development Control Plan 2012 – 4.4.8*.

The use must always be operated / managed in accordance with the Operational and Security Plan of Management, dated September 2019 (Ref 2019/497158) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

***The Plan of Management is to contemplate separation of control of the properties and is to be amended accordingly.***

***The amended Plan of Management is to be submitted to the Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate.***

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposal is generally consistent with the relevant objectives and controls of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (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 LEP 2012, that compliance with the motorcycle parking standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009; and
  - (ii) 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 building 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.
  - (iii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the motorcycle parking development standard and the building height development standard.
- (C) The proposal exhibits a suitable built form, design and materiality in the context of the heritage conservation area and is appropriate within the streetscape.
- (D) The proposal provides an appropriate level of amenity for future occupants and subject to conditions, will not result in unreasonable impacts on neighbourhood amenity.
- (E) Condition 2 was amended to include reinstating Juliet balconies to improve amenity.
- (F) Condition 5 was amended to contemplate separation of the control of the properties in the Plan of Management.

Carried unanimously.

D/2019/621

**Speakers**

Ms Kerry Rossborough, Mr Joseph van der Gouw, Ms Alex Cameron, Mr Ian Armstrong (on behalf of the applicant), Mr Jason Percia (on behalf of the applicant), Ms Georgia McIntosh (Applicant), and Mr Lodi VanEeghen (on behalf of the applicant).

#### **Item 4 Development Application: 62 Glebe Point Road, Glebe - D/2019/1234**

The Panel granted consent to Development Application No. D/2019/1234 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) 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 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 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 floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
  - (iii) the proposal is in the public interest because it is consistent with the objectives of the B2 Local Centre zone, the height development standard and the floor space ratio development standard.
- (B) The proposal is sympathetic to the heritage significance of the building, will not adversely impact of the surrounding heritage conservation area, and is generally consistent with the objectives and provisions in Clause 5.10 of the Sydney LEP 2012 and Section 3.9 of the Sydney LEP 2012.
- (C) The proposal exhibits design excellence in accordance with Clause 6.21 of the Sydney LEP 2012. The additional bulk appropriately responds to the site context and streetscape constraints, and is integrated within the central roof form.
- (D) The third storey addition will not be visually prominent from the streetscape and the two storey street frontage heights are retained to Glebe Point Road and Derwent Lane.
- (E) The proposal is in keeping with the future desired character of the area and is considered to be in the public interest.

Carried unanimously.

D/2019/1234

#### **Speakers**

Mr Alexander Symes (on behalf of the applicant) and Mr James Lovell (on behalf of the applicant).

**Item 5 Development Application: 86 Foveaux Street, Surry Hills - D/2019/412**

The Panel:

- (A) upheld the variation requested to Floor Space Ratio (FSR) in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2019/412 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***):

**(2) DESIGN AMENDMENTS**

- (a) The Level 2 bathroom for the Corben Street dwelling is to have a wash basin and the shower area adjusted accordingly.
- (b) The Level 1 Juliet balcony to the Foveaux Street Dwelling must have secured glazing to prevent a fall from the staircase adjacent to the opening.
- (c) ***The door from the Unit 2 spiral stair that opens to the courtyard must be relocated to open directly into the common store.***

The amended drawings should be submitted to, and approved by the Council's Area Coordinator Planning Assessment prior to a Construction Certificate being issued.

**(5) MATERIALS AND FINISHES**

Materials, colours and finishes shall be as follows:

- (i) The proposed perforated screening at second floor and roof level must be either: Aluminium Naturel Antique Copper, or AMA Vestis Copper without substitute.
- (ii) All window frames should be finished or retained in black.
- (iii) The balaustrade to the first floor balcony on Corben Street should be finished in black.
- (iv) The timber framing to the first floor balcony on Corben Street should be finished in black.
- (v) All existing brickwork is to remain unpainted.
- (vi) ***The shadow gap of the parapet is to be recessive and coloured black.***

## Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions is consistent with the objectives of the Sydney LEP 2012 and Sydney DCP 2012.
- (B) Subject to the recommended conditions of consent, the proposal will not have an adverse impact on the amenity of neighbouring properties.
- (C) 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 Floor Space Ratio (FSR) development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 mixed use zone and the relevant development standards.
- (D) Conditions 2 and 5 were amended to improve amenity.

Carried unanimously.

D/2019/412



Ms Miller left the meeting prior to consideration and determination of Item 6 as per her disclosure of a reasonably perceived conflict of interest in this item.

**Item 6 Development Application: 10-16 Bay Street, Ultimo - D/2019/1361**

The Panel granted consent to Development Application No. D/2019/1361 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 is consistent with the relevant controls for the site and will not have an adverse impact on the amenity of neighbouring properties;
- (B) The proposal exhibits design excellence in accordance with Clause 6.21 of the Sydney LEP 2012;
- (C) The proposal would not have an adverse impact on the significance of the heritage item;
- (D) Appropriate conditions of consent have been imposed to ensure that the development will not result in detrimental environmental impacts;
- (E) The proposal complies with the provisions of the State Environmental Planning Policy (Infrastructure) 2007; and
- (F) For the reasons above and as outlined in this report, the proposed development is in the public interest, subject to conditions.

Carried unanimously.

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The meeting of the Local Planning Panel concluded at 6.02 pm.

CHAIR