

# Local Planning Panel

Meeting No 36

Wednesday 29 April 2020

Notice Date 22 April 2020

*minutes*

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### Present

Ms Abigail Goldberg (Chair), Mr Paul Berkemeier, Mr Peter Romey and Mr John McInerney

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

Ms Goldberg, Mr Berkemeier, Mr Romey and Mr McInerney

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.

### 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.

No 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 8 April 2020 and 15 April 2020, which have been endorsed by the Chairs of those meetings.

**Item 3 Development Application: 634 Botany Road and 45-47 Ralph Street, Alexandria - D/2019/684**

The Panel:

- A. approved the Design Excellence Strategy for 634 Botany Road and 45-47 Ralph Street, Alexandria prepared by Sutherland & Associates Planning on behalf of Lateral Estate, as shown in Attachment E to the subject report, pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- B. pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application No. D/2019/684, subject to the conditions set out in Attachment A to the subject report, and subject to the following amendment (***additions*** shown in bold italics):

**(5) DESIGN MODIFICATIONS – ENVELOPE DRAWINGS**

The design of the concept envelope must be modified as follows:

- a. envelope drawings are to accurately indicate the street tree canopy spreads as shown at Appendix H of the Arboricultural Impact Assessment Report (the AIA report) prepared by Urban Tree Management (UTM) dated 17 March 2020;
- b. upper levels of the envelope fronting Ralph Street are to be set back a minimum of 3m from the boundary with Ralph Street and a minimum of 1.5m from the canopies of street trees in Ralph Street as shown at Appendix H of the Arboricultural Impact Assessment Report (the AIA report), as annotated in red on the stamped approved plans. Certification is to be provided by an AQF5 consulting arborist to confirm that the upper levels of the envelope have been set back by at least 1.5m from street tree canopies in accordance with this condition;
- c. the basement envelope plan is to be setback 1.4m from the boundary with Botany Road, as annotated in red on the stamped approved plans;
- d. the approved vehicle access location via the existing south-western crossover to Ralph Street is to be indicated on the envelope plan DA-U-101, as annotated in red on the stamped approved plans.
- e. ***the basement excavation is to be set back a minimum of one metre from the foundations of the retained building, which may be varied subject to the applicant demonstrating that there is a sufficient setback for full retention of the structure and the structural integrity of the building.***

**Reasons for Decision**

The application was granted deferred commencement approval as:

- (A) The concept proposal is for shop-top housing comprising apartment dwellings above ground floor commercial and retail 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 concept building envelope complies with the 22m height of buildings control pursuant to clause 4.3 of the LEP and is capable of accommodating development that complies with the floor space ratio controls pursuant to clauses 4.4 and 6.21 of the LEP. The concept proposal is capable of satisfying the relevant objectives of Sydney Development Control Plan 2012 (the DCP).
- (C) The concept proposal and Design Excellence Strategy establish a loose fit envelope and suitable parameters for a competitive design process. Subject to the recommended conditions, the proposed envelope is able to accommodate a detailed building design of an appropriate bulk and scale, that responds to the character of the area and which is capable of achieving design excellence.
- (D) Condition 5 was amended to ensure sufficient setback for the basement excavation to enable the full retention and structural integrity of the retained building

Carried unanimously

D/2019/684

**Speakers**

Mr Aaron Sutherland (on behalf of the applicant), Mr Peter Smith (on behalf of the applicant) and Mr Benjy Levy (on behalf of the applicant).

#### **Item 4      Development Application: 1 Woolley Street Glebe - D/2019/1416**

It is resolved that consent be granted to Development Application No. D/2019/1416 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 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.
- (B) The proposed alterations and addition to the existing residential flat building is permissible within the R1 General Residential zone and is consistent with the objectives of this zone.
- (C) The proposal is generally consistent with the relevant objectives and controls within the State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal respects the heritage significance of the conservation area known as Hereford and Forest Lodge Conservation Area (C33).
- (E) The proposal is considered to be consistent with the built form, design and context of the neighbouring buildings in the streetscape and locality.
- (F) Subject to compliance with the recommended conditions, the alterations and additions to the residential flat building will provide an acceptable level of amenity for the subject site and neighbouring properties.
- (G) For the reasons above and as outlined in this report, the proposed development is in the public interest.

Carried unanimously

D/2019/1416

The meeting of the Local Planning Panel concluded at 5.25 pm.

CHAIR